HC-KAR

NC: 2026:KHC:17183
WP No. 5566 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 5566 OF 2026 (GM-FC)

BETWEEN:

DR.HITHAISHINI.J
W/O DARSHAN.B.B
AGED ABOUT 36 YEARS,
R/AT NO.1558,1ST FLOOR,
L.N.PURAM, SRIRAMPURAM,
BENGALURU-560 021.

...PETITIONER

(BY SRI. SHIVSHANKER.,ADVOCATE)

AND:

DR.DARSHAN
S/O BHAGWAN.L.
AGED ABOUT 40 YEARS,
R/AT NO.117, A, 1ST BLOCK,
2ND MAIN, 3RD STAGE,
NEAR AISHWARYA PETRO BUNK,
VIJAYANAGARA,
MYSORE-570 030.

...RESPONDENT

(BY SMT. T.R. RAJESHWARI.,ADVOCATE)

Digitally signed by
VIJAYALAKSHMI
B N
Location: HIGH
COURT OF
KARNATAKA

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD 5.1.2026 PASSED BY THE PRL. JUDGE, FAMILY COURT, BENGALURU IN MC NO. 1370/2020 REJECTING THE APPLICATIONS NO. 14 AND 15 ANNEXURE-B, D AND E FILED BY THE PETITIONER UNDER SEC 151 OF CPC 1908 PRAYING THE HONBLE COURT BE PLEASED TO REOPEN THE STAGE OF FURTHER CROSS EXAMINATION OF PW1 AND IN TURN PERMIT THE RESPONDENT TO FURTHER CROSS EXAMINATION OF PW1. IA NO. 15 FILED UNDER ORDER XVIII R.W SEC 151 OF CPC 1908 PRAYING THE HONBLE COURT BE PLEASED TO RECALL THE ORDER DTD 9.12.2022 TAKING FURTHER CROSS

EXAMINATION OF PW1 AS NIL AND RECALL THE PW1 FOR FURTHER CROSS EXAMINATION AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

Being aggrieved by the order passed by the Court of Principal Judge, Family Court, Bengaluru, in M.C.No.1370/2020 dated 05.01.2026, the respondent therein has filed this petition.

2. For the sake of convenience, parties to the proceedings will hereinafter be referred to as husband and wife.

3. Wife filed I.A.No.14 under Section 151 of the CPC praying to reopen the stage of further cross-examination of PW-1 and in turn permit her to further cross-examine the PW-1 and I.A.No.15 under Order XVIII Rule 17 read with Section 151 of CPC praying to recall the order dated

09.12.2022 taking further cross-examination of PW-1 as Nil and recall the PW-1 for further cross-examination.

4. Learned counsel for the petitioner-wife contends that husband is examined as PW-1 and cross-examined by wife's counsel on 09.12.2022 and thereafter, wife lead her evidence and the stage before the Family Court is for wife's cross-examination. Thereafter, wife changed her counsel and during discussions, she got to know that certain material questions were omitted during cross-examination and opportunity ought to be granted in the interest of justice. He contends that the impugned order of the Family Court violates principles of natural justice. Hence, prays for allowing the petition and quash the impugned order passed by the Family Court.

5. *Per contra*, learned counsel for the respondent supports the impugned order, contending that the cross-examination was already exhaustive and no sufficient or specific reasons were shown to re-open the stage of

further cross-examination of PW-1 and he further contends that the applications were belated and with an intension to delay the proceedings. Hence, prays for dismissal of the petition.

6. Heard learned counsel appearing for both the parties and perused the material on record.

7. On hearing the submissions of learned counsel appearing for both the parties, the record shows that the PW1 was cross-examined in detail and the cross-examination of PW-1 was concluded nearly one and a half year prior to filing of the applications. The petitioner – wife has not specified the exact nature of the allegedly omitted questions, except making a vague assertion. The law is well settled that recall of a witness for further cross-examination cannot be granted as a matter of routine. Such power must be exercised carefully and only when there is a bona fide omission.

8. In the present case, the applications are highly belated filed long after closure of cross-examination. The reasons assigned are vague and general, without identifying specific questions or their relevance. The earlier cross-examination is admittedly detailed and exhaustive. Allowing such applications would defeat procedural discipline and encourage repeated reopening of evidence and there will be delay in disposal of matrimonial proceedings, which require expeditious adjudication. The Family Court has exercised its discretion judiciously and there is no illegality or perversity in the impugned order. The petitioner's contention regarding violation of natural justice is misconceived and adequate opportunity was already granted and availed by the petitioner. The petitioner has failed to establish any valid or sufficient ground to re-open the stage of further cross-examination of PW-1 and this Court does not find any infirmity in the impugned order. Therefore, the writ petition is devoid of merit and is liable to be dismissed.

9. In view of the above observations, I proceed to pass the following:-

ORDER

i. The Writ Petition is ***dismissed***.

ii. The impugned order dated 05.01.2026 passed in M.C.No.1370/2020 by the Court of Principal Judge, Family Court, Bengaluru stands confirmed.

iii. No order as to costs.

SD/-
(DR.K.MANMADHA RAO)
JUDGE

MH/-
List No.: 1 Sl No.: 70