



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 5947 OF 2026 (GM-CPC)

BETWEEN:

SRI. MUNIRAJU,
AGED ABOUT 64 YEARS,
S/O LATE CHIKKAMARAPPA @ PAPANNA,
R/O KAMAIAHNAPALYA VILLAGE,
K.GOLLAHALLI POST, KENGERI HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU - 560 074.

...PETITIONER

(BY SRI. RAJENDRA S., ADVOCATE)

AND:

1. SRI. MUNIRAJU,
AGED ABOUT 66 YEARS,
S/O SRI. PAPANNA @ MUNISHAMAPPA,
2. SMT.G UMA,
AGED ABOUT 62 YEARS,
W/O SRI. MUNIRAJU,
BOTH ARE RESIDING AT
CHOWDESHWARI FARM,
BHUVANAHALLI VILLAGE,
DODDASANE POST,
DEVANAHALLI - 562 110.

...RESPONDENTS

(BY SRI.S.RAJASHEKAR, ADVOCATE FOR C/R1 AND R2)

THIS WP IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER



DATED 19.12.2025 PASSED BY THE COURT OF LEARNED II ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU IN O.S. NO.1013/2025 REJECTING THE APPLICATIONS DATED 13.08.2025 MADE BY THE PETITIONER UNDER ORDER XVIII RULE 17 READ WITH SECTION 151 OF CODE OF CIVIL PROCEDURE, AND ORDER XVI RULE 1 AND 2 VIDE ANNEXURE - L TO THE WRIT PETITION AND ETC.,

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

. Aggrieved by the order dated 19.12.2025 passed on I.A. filed under Order XVIII Rule 17, Order XVI Rule 1 and 2 r/w Section 151 of CPC in O.S.No.1013/2011 by II Addl. Senior Civil Judge, Bengaluru Rural District, Bengaluru, the plaintiff/petitioner is before this Court.

2. The plaintiff has filed a suit for a declaration that the Gift Deed executed by defendant No. 1 in favour of defendant No. 2 is not binding on the plaintiff. In that suit, the



present I.A. was filed in 2025 seeking to reopen the case and examine the witnesses. It is the case of the petitioner that he did not provide a list of witnesses at the time of filing the suit. He is in peaceful possession and enjoyment of the suit schedule property and is the absolute owner thereof. He now has a list of witnesses and therefore seeks to examine them. That application was dismissed by the impugned order. The trial Court observed that the suit is of the year 2011. In the affidavit, he states that only witnesses are required to prove the case. However, he has not explained on what ground the witnesses will depose. Another important factor to be considered is that the witnesses mentioned in the case are not parties to the alleged Gift Deed nor are they witnesses to the same, and hence, the trial Court has dismissed the application.

3. Learned counsel appearing for the petitioner submits that he is the plaintiff in the suit and unless an opportunity is given to adduce evidence, he will not be able to prove the case, which would prejudice the petitioner. The trial Court, without considering these aspects, had dismissed the application.



4. Learned counsel appearing for the respondents submits that the suit is from 2011, and the defendants' evidence was completed in 2023. When the matter was posted for arguments, this application was filed. Learned counsel further submits that the affidavit does not disclose any valid reasons for allowing the application, and the trial Court rightly dismissed the application and there are no grounds to set aside the order passed by the trial Court.

5. Having heard the learned counsel on either side, perused the material on record. It is a suit of the year 2011. In the year 2025, when the matter is posted for arguments, the present application is filed. This Court has perused the application that is filed. In the application, no grounds are stated except that the list of witnesses was not available at that time, and the plaintiff has listed the things and the case has to be reopened. A suit of the year 2011, plaintiff coming in 2025 seeking such a relief. If the applications are allowed in this manner, there would be no end to the litigation.



6. In the light of the above discussion, this Court do not find any reasons to interfere with the order passed by the trial Court. Hence, this Court is passing the following:

ORDER

- (i) Writ petition is ***dismissed***.
- (ii) All pending I.As., if any, in the petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

PSJ
List No.: 1 Sl No.: 25