

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.6700 OF 2026 (GM-FC)

BETWEEN:

ANIL ALEX ABRAHAM
SON OF ABRAHAM CHANDY,
AGED ABOUT 45 YEARS,
RESIDING AT NO. 1112 AND
NO. 1113, 4TH MAIN, D BLOCK,
AECS LAYOUT,
BENGALURU 560 037.

...PETITIONER

(BY SRI. ARUN GOVINDARAJ.,ADVOCATE)

AND:

LARA MARY MATTHAI
WIFE OF ANIL ALEX ABRAHAM,
AGED ABOUT 45 YEARS,
RESIDING AT NO.215,
JAL VAYU VIHAR,
KAMMANAHALLI,
BENGALURU 560 043.

...RESPONDENT

(BY SMT. GEETHA G. MENON.,ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT, DIRECTION OR ORDER QUASHING THE COMMON ORDER DATED 05.02.2026 PASSED BY THE LEARNED PRINCIPAL JUDGE, FAMILY COURT, BENGALURU IN M.C. NO. 738/2015 CLUBBED WITH M.C. NO. 5326/2017, DISMISSING INTERIM APPLICATION NOS. 23 AND IN TURN ALLOW THE SAID INTERIM APPLICATION NOS.23 (ANNEXURE- K AND E) AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 13.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

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

CAV ORDER

This writ petition is filed by the petitioner/husband challenging the order dated 05.02.2026 passed by the Principal Judge, Family Court, Bengaluru ('the Family Court' for short) in M.C.No.738/2015, whereby I.A.Nos.23 to 26 filed by him which came to be rejected.

2. The petitioner herein is the husband and the respondent herein is the wife.

3. The brief facts of the case are that:-

The marriage between the petitioner and the respondent was solemnized on 22.08.2009 in accordance with Christian rites and customs. Out of the said wedlock, a female child was born on 12.06.2012. It is stated that matrimonial disputes arose between the parties, in pursuance of which the petitioner instituted proceedings in M.C.No.738/2015 before the Family Court seeking restitution of conjugal rights. The respondent, on the other hand, instituted M.C.No.5326/2017 seeking

dissolution of marriage. Both the matters are being tried by the Family Court.

4. The record further discloses that at an earlier point of time, the petitioner had approached this Court in W.P.No.28301/2024, and this Court, by order dated 14.11.2025, while considering the grievance of the petitioner with regard to production of certain documents relating to pecuniary aspects, permitted the petitioner to place such material on record in accordance with law and observed that appropriate inference could be drawn depending on the evidence adduced.

5. Thereafter, the proceedings before the Family Court continued and the evidence of the parties was recorded. It is not in dispute that the cross-examination of RW-1 (respondent herein) was concluded on 19.01.2026. During the course of such cross-examination, certain documents were shown to the witness, which came to be denied by her. Subsequent to closure of the cross-examination of RW-1, the petitioner filed I.A.Nos. 23 to 26 before the Family Court seeking recall of PW-1 (himself) and for permission to further examine him for the

purpose of marking the said documents which were denied by the respondent.

6. The Family Court, upon consideration of the said applications, by its order dated 05.02.2026, rejected the same, holding that no sufficient ground is made out to reopen the evidence at that stage. It is this order which is impugned in the present writ petition.

7. The learned counsel appearing for the petitioner would contend that the Family Court has committed a serious error in rejecting the applications. It is submitted that when the respondent has denied the documents during cross-examination on 19.01.2026, the petitioner ought to have been afforded an opportunity to recall himself and prove the documents in accordance with law. Further denial of such opportunity would cause grave prejudice to the petitioner, particularly in respect of the financial and pecuniary aspects involved in the dispute.

8. Learned counsel would also place reliance on the earlier order of this Court dated 14.11.2025 in W.P. No. 28301/2024 and submit that this Court had permitted the petitioner to place material on record, and therefore the Family

Court ought to have adopted a liberal approach in allowing the applications.

9. *Per contra*, learned counsel appearing for the respondent would support the impugned order and contend that the proceedings are pending from the year 2015 and the petitioner has been adopting dilatory tactics. It is submitted that sufficient opportunity was available to the petitioner to produce and prove all documents at the appropriate stage, and having failed to do so, he cannot seek to reopen the evidence after closure of cross-examination of RW-1.

10. It is further contended that mere denial of documents by a witness does not confer an automatic right on the party to recall himself and reopen the evidence. The respondent would submit that the Family Court has exercised its discretion judiciously and no interference is warranted.

11. Heard learned counsel appearing on either side and perused the material placed on record.

12. The chronology of events is not in dispute. The marriage between the parties took place on 22.08.2009, the child was born on 12.06.2012, the proceedings before the Family Court are of the years 2015 and 2017, and the cross-

examination of RW-1 was completed on 19.01.2026. The applications in question are filed thereafter.

13. The principal ground urged by the petitioner is that certain documents shown to RW-1 were denied and therefore an opportunity is required to recall PW-1 to mark the documents. In this regard, it is to be noted that the law relating to recall of witnesses and reopening of evidence is well settled. Such power is discretionary and is to be exercised sparingly, particularly when the proceedings have reached an advanced stage.

14. At this juncture, it is also relevant to take note of the earlier proceedings between the parties in W.P.No.28301/2024, wherein the petitioner had challenged the order dated 23.08.2024 passed in I.A.No.16 in M.C.No.738/2015 c/w M.C.No.5326/2017 by the Principal Judge, Family Court, Bengaluru, refusing to direct the respondent to produce certain financial documents including bank statements and related material for the period from 22.08.2009 to 31.12.2014.

15. This Court, by order dated 14.11.2025 in the said writ petition, while upholding the view of the Family Court that

the petitioner could produce documents within his possession, modified the order to the limited extent of granting liberty to the petitioner to produce such documents and, for that purpose alone, permitted reopening of his evidence. The said order was passed keeping in view the stage of the proceedings and with a direction for expeditious disposal, and it was also observed that appropriate inference could be drawn depending upon the evidence adduced.

16. In the case on hand, the petitioner had given ample of opportunity to produce and prove the documents during the course of his evidence. The fact that certain documents were denied by the respondent during cross-examination does not, by itself, justify reopening of the entire evidence. It is also relevant to note that this Court, in its earlier order dated 14.11.2025, while permitting the petitioner to place material on record, had not granted any blanket liberty to reopen evidence at any stage. On the contrary, it was observed that appropriate inference could be drawn depending on the evidence adduced.

17. Therefore, the said order cannot be construed as conferring an indefeasible right on the petitioner to seek recall of witnesses after closure of evidence. Further, the denial of

documents by a witness is a matter which has to be appreciated by the Family Court at the stage of final adjudication. The Family Court, having regard to the age of the proceedings, which are pending from the year 2015, and the stage at which the applications are filed, has exercised its discretion in rejecting the applications. This Court does not find any perversity or illegality in such exercise of discretion.

18. At this stage, it is also necessary to observe that the request of the petitioner to mark certain documents and photographs cannot be countenanced. The cross-examination of RW-1 having been concluded on 19.01.2026 and the applications having been filed thereafter, the attempt to introduce such material is clearly belated. Even otherwise, insofar as the photographs are concerned, it is not in dispute that they pertain to a period prior to the marriage dated 22.08.2009 and are admittedly in the possession of the parties themselves, namely the petitioner and the respondent. In the light of the order dated 14.11.2025 passed by this Court in W.P.No.28301/2024 granting only limited liberty to produce documents by reopening the petitioner's evidence, it would not be appropriate to permit marking of such documents and photographs at this stage of the proceedings.

19. It is trite that in exercise of supervisory jurisdiction under Articles 226 and 227 of the Constitution of India, this Court would not interfere with interlocutory orders of the trial Court unless a clear case of miscarriage of justice is made out. In the present case, no such ground is made out.

20. In view of the above, the present petition shall stand ***dismissed***.

No order as to costs.

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

bnv