



CNR: KAHC010292632022

NC: 2026:KHC:40104
W.P. No.13195/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 31ST DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.13195/2022 (GM-CPC)

BETWEEN:

1. M/S. G.K. BUILDERS AND DEVELOPERS
A REGISTERED PARTNERSHIP FIRM
WITH ITS OFFICE IN NO.18/2
2ND FLOOR, ANDREE ROAD
SHANTINAGAR
BANGALORE-560075
PRESENTLY REPRESENTED BY ITS
MANAGING PARTNER
SMT. SUNEETA DINAKAR.
2. SMT. SUNITHA
W/O LATE G. DINAKAR
AGED ABOUT 54 YEARS.
3. DR. SHREYA
D/O LATE G. DINAKAR
AGED ABOUT 30 YEARS.

PETITIONER NOS.2 & 3 ARE
RESIDING AT NO.501
SRINIVAS APARTMENT
G M PALYA
BANGALORE-560075.

...PETITIONERS

(BY SRI. K.N. NITHISH, ADV., FOR
SRI. K.V. NARASIMHAN, ADV.,)

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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AND:

M/S. SRINIVASA ENCLAVE
FLAT OWNERS ASSOCIATION
(AN ASSOCIATION REGISTERED UNDER THE
PROVISIONS OF KARNATAKA SOCIETIES
REGISTRATION ACT)
WITH ITS OFFICE AT "SRINIVASA ENCLAVE"
G M PALYA, BANGALORE-560075
REPRESENTED BY ITS PRESIDENT
SRI. S. VIVEK SHARMA.

...RESPONDENT

(BY SRI. GAGANDEEP E, ADV., FOR
SRI. AJIT P.B. ADV.,)

THIS W.P. IS FILED UNDER ARTICLE 226 AND 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE
ORDER AT ANNEXURE-F DTD 16.06.2022 PASSED BY THE
LEARNED VII ADDL. CITY CIVIL AND SESSIONS JUDGE,
BENGALURU (CCH-19) IN O.S.NO.5328/2015 & ETC.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated
16.06.2022 in OS.No.5328/2015 by the VII Additional City
Civil & Sessions Judge, Bengaluru (for short 'the trial
Court').



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2. Heard Sri.K.N.Nithish, learned counsel appearing for Sri.K.V.Narasimhan, learned counsel for the petitioners, Sri.Ghagandeep E., learned counsel appearing on behalf of Sri.Ajith P.B., learned counsel for the respondent and meticulously perused the material available on record.

3. The respondent filed a suit in OS.No.5328/2015 seeking a declaration that the members of the plaintiff, being its common owners, are entitled to the common use and enjoyment of the Schedule 'B' property, including the right to develop the common amenities, without any claim from the defendants along with the relief of permanent injunction. Defendant No.2 filed a detailed written statement denying the averments made in the plaint. The parties led the evidence. When the matter was posted for the cross-examination of DW1, defendant No.2(a)/petitioner No.2 filed an application under Section 151 of the Code of Civil Procedure, 1908 (for short 'CPC')



seeking permission to lead further examination-in-chief of DW1 along with another application for production of a certified copy of the order passed by the Karnataka State Consumer Disputes Redressal Commission, Bengaluru, in Complaint No.76/2008. The trial Court, under the impugned order rejected both the applications on the ground that the said applications were filed only to drag out the proceedings.

4. It is to be noticed that this Court, in MFA.No.2532/2016 and connected appeal, vide order dated 14.06.2022 has recorded the submissions of both the counsel representing the case that they would co-operate for the early disposal of the suit. On the basis of the said assurance, the appeals were disposed of with a direction to the trial Court to dispose of the suit in expeditious manner. It is further to be noticed that petitioner No.2 made an assertion that, by inadvertence she could not produce the order dated 17.10.2008 passed



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by the Karnataka State Consumer Disputes Redressal Commission, Bengaluru and that the said order being a judicial order has a bearing on the stand of the defendants. Considering the aforesaid contentions and taking note of the earlier order of this Court, I am of the view that the applications are deserved to be allowed by providing one opportunity to the petitioners to lead further evidence by producing the sought document, subject to payment of cost of Rs.10,000/- to the respondent/plaintiff. For the aforementioned reasons, the writ petition is ***allowed.***

The impugned order dated 16.06.2022 in OS.No.5328/2015 by the VII Additional City Civil & Sessions Judge, Bengaluru is hereby set aside. Consequently, the applications filed by defendant No.2(a)/petitioner No.2 seeking reopening of the evidence, permission to lead further examination-in-chief of DW1 and production of certified copy of the order dated 17.10.2008 passed by the Karnataka State Consumer



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Disputes Redressal Commission, Bengaluru are allowed, subject to defendant No.2(a) paying cost of Rs.10,000/- to the plaintiff.

The defendants shall lead further evidence and produce the aforesaid document on the next date of hearing, i.e. 30.09.2026 or any date assigned by the trial Court. No further adjournment shall either be sought by the defendants or granted by the trial Court unless compelling circumstances are pointed out.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 33