



CNR: KAHC010354462025

NC: 2026:KHC:45451
WP No. 16373 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO.16373 OF 2025 (GM-CPC)

BETWEEN:

MOHAMMED EHSANULLA
S/O LATE SHAHABUDDIN
AGED ABOUT 65 YEARS,
R/AT NO.993, GOKUL,
1ST STAGE, 2ND PHASE,
DIWARANAPALYA, HMT ROAD,
BANAGLORE - 560097.

...PETITIONER

(BY SRI. MOHAMMED ABUBAKAR SIDDIQ, ADVOCATE)

AND:

MR. B. JAYARAJAN
S/O LATE T. BABU,
AGED 76 YEARS,
FLAT NO.48, OPP. KABIR ASHRAM,
GATEWAY COMMUNITY, NO.42,
GROUND FLOOR, 4TH CROSS, 9TH MAIN,
KRISHNAGIRI APARTMENT,
VIDYANAPURA, BANGALORE-560097.

...RESPONDENT

(BY SRI. RAJESH G.S., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER
PASSED BY THE ADDITIONAL CITY CIVIL AND SESSIONS JUDGE
BANGALORE (5TH ADDITIONAL) CCH-13 ON I.A.NO.12 IN



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O.S.NO.340/2012 DATED 21.04.2025 VIDE ANNEXURE-E BY ISSUING WRIT OF CERTIORARI.

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

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

1. Impugning the order dated 21.04.2025 passed on I.A.No.12 in O.S. No.340/2012 on the file of the V Additional City Civil and Sessions Judge (CCH-13), Bengaluru, [**Trial Court**], the defendant (petitioner) is before this Court in this writ petition.

2. By the impugned order, the Trial Court has allowed the application-I.A.No.12 filed by the plaintiff (respondent) under Order XVI Rule 1 of the Code of Civil Procedure, 1908 [**CPC**], seeking permission to examine the witnesses named in the application.

3. The learned counsel appearing for the petitioner submits that some of the witnesses sought to be examined are neither necessary nor relevant for the adjudication of the dispute and that the application has been filed with the sole intention to protract proceedings. It is submitted that the suit was filed in the year 2012



and that, the plaintiff's (respondent) evidence had already been concluded. When the matter was posted for the defendant's (petitioner) evidence, the plaintiff came up with the present application.

4. However, the learned counsel fairly submits that, if the respondent examines all the five witnesses on the next date of hearing and concludes their examination-in-chief, the petitioner would not press the present writ petition.

5. At this stage, the learned counsel appearing for the respondent submits that the plaintiff would examine all five witnesses on the next date of hearing, i.e., 01.09.2026 and conclude their examination-in-chief without seeking any further adjournment.

6. Having regard to the aforesaid submissions and undertaking given before this Court, this Court finds no ground to interfere with the order passed by the Trial Court.

7. The Trial Court, having exercised its discretion in permitting the respondent to examine the witnesses sought to be examined, does not warrant any interference.



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8. The respondent shall examine all five witnesses and conclude their examination-in-chief on 01.09.2026, without seeking any further adjournment.

9. In the event, the respondent-plaintiff fails to examine the said witnesses and conclude the same on 01.09.2026, the order passed on I.A.No.12 shall not enure to the respondent-plaintiff and the Trial Court shall proceed with the suit in accordance with law.

10. With the above observations, the writ petition stands ***disposed of.***

Sd/-

JUSTICE K.S. HEMALEKHA

MBM
List No.: 1 SI No.: 21