



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 16347 OF 2026 (GM-CPC)

BETWEEN:

A.G BHARATHRAJ
S/O LATE A.G. GURUMURTHAPPA,
AGED ABOUT 50 YEARS,
R/O ALUR VILLAGE, HIREKOGALUR POST,
SANTHEBENNUR HOBLI,
CHANNAGIRI TALUK

...PETITIONER

(BY SRI. SHRAVAN MADHAV K.P., ADVOCATE)

AND:

G.SUMA
W/O YOGESHWARAPPA,
D/O LATE A.G. GURUMURTHAPPA,
AGED ABOUT 56 YEARS,
R/O VADNAL VILLAGE, VADNAL POST
CHANNAGIRI TALUK

...RESPONDENT

(BY SRI.M.R.HIREMATHAD, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER, DATED 24-04-2026, PASSED BY SENIOR CIVIL JUDGE AND JMFC, CHANNAGIRI (AT ANNEXURE - A) AND ALLOW THE I.A. NO.11 AND 12 FILED ORDER 18 RULE 17 R/W 151 OF CPC AND SECTION 151 OF THE CODE BY THE PETITIONER UNDER ORDER OF THE CIVIL PROCEDURAL CODE, 1908 AT ANNEXURE-E AND E1.



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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed by the defendant, against the orders passed on I.A.Nos. 11 & 12 in OS.No. 52/2018, dated 27.04.2026, by the Senior Civil Judge & JMFC, Channagiri.

2. The present application is filed to reopen the evidence of the plaintiff's side and to permit the petitioner to examine the PW1, for the purpose of further cross-examination, the trial court by order impugned has dismissed the application observing that on perusal of the evidence of the above witnesses shows that counsel for the defendant has already cross examined at length the above mentioned witnesses more than 6 occasions. In the applications counsel for the defendant has not mentioned any reasons why this witness has to be recalled and what questions are left during the cross-examination and hence the court felt that there are no reasons to recall PW1 for further cross-examination and accordingly dismissed the IA.Nos.11 and 12.



3. Learned counsel appearing for the petitioner submits that the petitioner filed this application in 2023, and it was decided in 2026. He requested only one day to conclude the evidence and will not seek any further time. Reopening the case and further cross-examination of PW1 are very important to substantiate the defendant's case. If one opportunity is given to the petitioner, he will cross-examine PW1, and he has no intention of dragging on the court proceedings.

4. Learned counsel appearing for the respondents submits that on several occasions he has cross-examined the witness, and that the defendant is coming up with one application after another only with an intention to drag on the proceedings. The trial court has rightly dismissed the application.

5. Having heard the learned counsels on either side, perused the material on record. Considering that the case is now posted for arguments, no doubt the trial court was right in observing that it is a belated application. However, considering the substantial interest of the parties and balancing their interests, this court deems it appropriate to allow this application on costs by fixing the time frame.



6. Accordingly, this Court is passing the following:

ORDER

- i. The orders passed on I.A.Nos.11 & 12 in OS.No.52/2018 dated 27.04.2026 by the Senior Civil Judge & JMFC, Channagiri is **set aside** with costs of Rs.5,000/-. Consequently, I.A.Nos.11 and 12 are **Allowed**.
- ii. On 27.06.2026 the petitioner shall cross examine PW-1. If the petitioner does not go ahead with the same, the trial court shall close the stage and proceed with the case.
- iii. Considering the fact that the case is posted for arguments the trial court shall expeditiously dispose of the case.
- iv. Accordingly, the writ petition is **Allowed**.
- v. Pending I.As., in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE