



CNR: KAHC010491962026

NC: 2026:KHC:42111
WP No. 22356 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 22356 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. JAYALAKSHMAMMA,
AGED ABOUT 76 YEARS,
W/O LATE EREGOWDA @ ERAPPA,

2. M.E.SHIVAKUMAR,
AGED ABOUT 57 YEARS,
S/O LATE EREGOWDA @ ERAPPA,

BOTH ARE RESIDENTS OF
JNANAKSHI LAYOUT,
RAJA RAJESHWARI NAGAR,
BANGALORE - 560 098.

Digitally signed
by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA

3. SMT. VEDAVATHI,
AGED ABOUT 48 YEARS,
W/O LATE RAJASHEKAR,

4. VISHAL,
AGED ABOUT 20 YEARS,
S/O LATE RAJASHEKAR,

5. MISS.KUMUDA,
AGED ABOUT 14 YEARS,
D/O.LATE RAJASHEKAR,
(BOTH WERE REPRESENTED IN



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THE SUIT THROUGH THEIR
NATURAL GUARDIAN MOTHER
SMT. VEDAVATHI, NOW THE
PETITIONER NO.4 HAS
ATTAINED THE AGE OF
MAJORITY AND THE PETITIONER NO.5
ONLY REPRESENTED BY HER MOTHER I.E.,
PETITIONER NO.3)

PETITIONER NOS.3 TO 5 ARE
RESIDING AT HOSURU,
ANKENAHALLI, NAGAMANGALA TALUK,
MANDYA DISTRICT - 571 418.

...PETITIONERS

(BY SRI. SHIVARAMU H.C., ADVOCATE)

AND:

1. SHIVANNAIAH,
MAJOR,
S/O LATE GUTTALE GOWDA,
2. SMT. NAGARATHNA @
NAGARATHNAMMA,
MAJOR,
W/O.SHIVANNAIAH,
3. SMT.MANJULA,
MAJOR,
D/O.SHIVANNAIAH,
4. SMT. USHA,
MAJOR,
D/O.SHIVANNAIAH,



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5. SMT.PUSHPA,
MAJOR,
D/O.SHIVANNAIAH,
RESPONDENT NOS.1 TO 5 ARE
RESIDING AT NO.14,
MUNISANJEEVAPPA LAYOUT,
JARAGANAHALLI, J.P.NAGAR POST,
BENGALURU - 560 078.
6. ANNABATHULLA RAJESH,
MAJOR,
S/O LATE A. VENKATA RAO,
RESIDING AT NO.18,
4TH CROSS, MUDDAMMA GARDEN,
BENSON TOWN POST,
BENGALURU - 560 046.
7. J.LAKSHMI RAMANNA,
AGED ABOUT 46 YEARS,
S/O RAMACHANDRA NAIDU,
RESIDING AT NO.1104,
3RD CROSS, A.G.S. LAYOUT,
AREHALLI,
BENGALURU - 560 061.
8. B.A.NAVEEN,
AGED ABOUT 47 YEARS,
S/O.B.M.ANANDA MURTHY,
RESIDING AT 10TH CROSS,
V.V.NAGAR,
MANDYA TOWN - 571 401.

...RESPONDENTS

(BY SRI.J.C.KUMAR, ADVOCATE FOR C/R3)



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THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR SIMILAR WRIT OR ORDER OR DIRECTION TO QUASH THE ORDER DATED 06.06.2026 PASSED BY THE LVI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BANGALORE ON IA NOS.22 AND 23 IN OS NO.1879/2026 PRODUCED AT ANNEXURE - D AND ETC.,

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The petitioners are before this Court, aggrieved by the order dated 06.06.2026, whereby the Trial Court dismissed the applications, i.e., I.A.Nos.22 and 23. I.A.No.22 is filed under Section 151 of the CPC seeking to reopen the case, and I.A.No.23 is filed under Order XVIII Rule 17 read with Section 151 of the CPC seeking permission to lead further examination-in-chief. The petitioners before this Court are the legal representatives of the original plaintiff.



2. The plaintiff has filed a suit seeking partition. The suit is of the year 2016. The Trial Court dismissed the applications, observing that on 22.09.2025 the plaintiff had filed I.A.Nos. 17 and 18. The applications were allowed, subject to payment of costs of Rs.1,000/-, and D.W.1 was recalled. On 15.02.2025, D.W.1 was fully cross-examined. Thereafter, the learned Advocate for the defendants submitted that there was no further evidence on behalf of the defendants. Accordingly, the matter was posted for arguments. Thereafter, the plaintiff filed I.A.Nos. 19 to 21 on 05.11.2025, which came to be allowed by order dated 07.02.2026, and D.W.1 was again recalled. D.W.1 was again cross-examined on 03.06.2026. Thereafter, the matter was posted for arguments. After one adjournment, the plaintiff again filed the present applications. Considering all these aspects, the Trial Court was of the view that there were no grounds to grant permission to lead further evidence and, accordingly, dismissed the applications.

3. Learned counsel appearing for the petitioners submits that there is no intention on the part of the petitioners



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to drag on the proceedings. He has specifically stated in the affidavit filed in support of the applications the reasons as to why he seeks to reopen the case and examine the witness. It is submitted that unless the said applications are allowed, it would cause lot of hardship to the plaintiffs. It is further submitted that if a date is fixed, on that date the petitioners will cross-examine the defendants and will cooperate with the proceedings before the Trial Court.

4. Learned counsel for the respondents submits that the Trial Court has rightly considered all aspects and dismissed the applications. It is submitted that the petitioners have filed repeated applications and that the earlier applications were allowed subject to payment of costs. However, the petitioners have again filed the present I.A.Nos. 22 and 23. Hence, it is submitted that the Trial Court has rightly dismissed the said applications and that no interference is called for.

5. Having heard the learned counsel on either side, perused the order sheet.



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6. This Court has perused the order passed by the Trial Court. The Trial Court has rightly considered all aspects and observed that, in spite of the earlier applications having been allowed, the petitioners are coming up with one application after other. This Court has also heard the learned counsel for the petitioners and perused the affidavit filed in support of the applications. The learned counsel for the petitioners submits that they would delay the proceedings. Balancing the interests of both parties, this Court is passing the following:

ORDER

- i. The order dated 06.06.2026 passed in O.S.No.1879/2016 by the LVI Additional City Civil and Sessions Judge, Bengaluru, is hereby ***set aside***.
- ii. Consequently, I.A.Nos.22 and 23 are ***allowed***, on the condition that the petitioners shall pay an amount of Rs.25,000/- to the respondents.
- iii. The parties shall conclude the cross-examination on the same day, i.e., on **18.08.2026**.



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- iv. Accordingly, the writ petition is ***allowed***.
- v. Pending IAs, if any, shall stand closed.

Sd/-
(LALITHA KANNEGANTI)
JUDGE

SMC
List No.: 1 Sl No.: 5