



CNR: KAHC010520902026

NC: 2026:KHC:40606
WP No. 23293 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 23293 OF 2026 (GM-CPC)

BETWEEN:

SRI R.V.MAHESH
S/O CHIKKA VENKATAPPA,
AGED ABOUT 43 YEARS,
R/AT NO.120, SLV NILAYA,
RAMPURA VILLAGE,
VIRCO NAGAR POST,
BENGALURU EAST TALUK,
BENGALURU-560 049

...PETITIONER

(BY SRI. BALARAJ V.R., ADVOCATE)

AND:

1. SMT G.K.PUSHPA
W/O R. CHANDRA SHEKAR,
AGED ABOUT 42 YEARS,
R/AT SHIVA MUTTA ROAD,
NEAR JACHANI COLLEGE,
WARD NO. 1, VAPASANDRA,
CHIKKABALAPURA-562 101
2. SMT. REHAMATHUNISA,
W/O PYARE JAN,
AGED ABOUT 83 YEARS
3. SRI. KALEEMULLA,
S/O PYARE JAN,
AGED ABOUT 59 YEARS

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Location:
HIGH COURT
OF
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4. SRI. NAYEEMUNNISA,
S/O PYARE JAN,
AGED ABOUT 56 YEARS
5. SMT. JABEENA,
D/O PYARE JAN,
AGED ABOUT 53 YEARS
6. SRI. SAMEEULLA,
S/O PYARE JAN,
AGED ABOUT 51 YEARS
7. SRI. SAIFULLA,
S/O PYARE JAN,
AGED ABOUT 46 YEARS
8. SMT. UMESALMA,
D/O PYARE JAN,
AGED ABOUT 43 YEARS,

ALL ARE RESIDING AT
KOUSARNAGAR, B. B. ROAD,
CHIKKABALLAPUR CITY- 562 101

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED COMMON ORDERS DATED 24.07.2026 PASSED ON IA NO. 33 TO 35 BY THE LEARNED PRL. SENIOR CIVIL JUDGE AND CJM CHIKKABALLAPURA IN OS NO. 127/2018, PRODUCED AT ANNEXURE-K AND CONSEQUENTLY ALLOW THE APPLICATIONS FILED BY THE PETITIONER PRODUCED AT ANNEX-C, D AND E.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



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ORAL ORDER

Aggrieved by the orders passed on I.A.No.33 to 35 in OS.No.127/2018 dated 24.07.2026 by the Prl. Senior Civil Judge and CJM, Chikkaballapura, the defendant No.8/petitioner is before this Court.

2. The petitioner herein, who is defendant No.8 has filed an application under Order XVIII Rule 17 R/w Section 151 of CPC and also under Order VIII Rule 1(A) R/w Section 151 of CPC, praying the Court to re-open the case posted for Judgment and to recall for further chief of the DW-1, and to condone the delay in production of the documents that were dismissed by the impugned order.

3. While dismissing the application, the trial Court observed that the case was posted for Judgment on 30.07.2026. On 16.07.2026, the matter was heard on behalf of Plaintiff, since there was no representation for the defendant No.8, the arguments the defendant No.8 was taken as heard. Further, the liberty was given to the defendant No.8 to file written arguments, if any, on or before 27.07.2026, with due notice to plaintiff's counsel, and plaintiff's counsel was also



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given liberty to file reply arguments, if any, and the matter was posted for judgment on 30.07.2026. On 22.07.2026, the objector filed these IA's with documents to re-open the stage and recall the defendant No.8 for further evidence. On perusal of the order sheet and records, it is noticed that on 12.02.2024, the defendant No.8 filed application under section 151 of CPC to recall the stage and it was allowed and opportunity was given to the defendant No.8 for further cross-examination of PW-1. Again on 05.08.2024, the defendant No.8 filed IA under VIII Rule 1(A) of CPC and it was also considered and opportunity was given to the defendant No.8. Further on 03.04.2025, the similar application was filed and it was allowed and permitted to produce documents. Again on 15.07.2025 the defendant No.8 filed I.A under Order 16 Rule 1(a) of CPC along with application under Section 151 of CPC and under Order 18 Rule 17 of CPC to reopen the case to lead further evidence. The said applications were also allowed. Further similar applications were filed on 22.08.2025, 10.10.2025 and 11.11.2025 and the said applications were also considered and opportunity was given to defendant No.8.



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4. The trial court further observed that, on perusal of the said applications filed by defendant No.8, it is crystal clear that the court has given the fullest opportunity to the defendant No.8. Therefore, the contention of the learned counsel for defendant No.8 that he was unable to produce necessary documents regarding the suit property is not acceptable. For almost 2 years, the defendant No.8 has filed applications one after the other. It shows the malafide intention of the defendant No.8 to drag on the proceedings instead of proceeding with the case. As rightly pointed out by learned counsel for the plaintiff, when once the matter is finally heard and posted for judgment, it cannot be reopened. Relying upon the judgment of the Division Bench of this High Court in the case of ***Rabiya Bi Kassim M. Vs. The Country Wide Consumer Financial Services Ltd.***,¹ once the matter has been finally heard and posted for judgment, nothing is required to be done by the Court except to pronounce the judgment and based upon that, the Court has dismissed the application filed by the petitioner.

¹ ILR 2004 KAR 2215



5. Learned counsel appearing for the petitioner submits that if the case is reopened, they intend to place one document and to proceed with the matter. If this opportunity is not given, it would cause a lot of hardship to the petitioner, and these aspects were not considered by the trial Court.

6. Having heard the learned counsel for the petitioner and perused the material on record, the Court finds that the observations of the trial court, extracted in the preceding paragraphs, clearly show that there is laches on the part of the petitioner in pursuing the matter. He has been filing applications repeatedly and has not co-operated with the Court to dispose of the matter. The trial court has rightly held that when the matter is posted for judgment, at this stage the Court cannot consider any other application. Even on that ground, as well as the manner in which the petitioner has been protracting the proceedings, the trial court was right in dismissing the applications. This Court does not find any reason to interfere with the order passed by the trial court.

7. Accordingly, this Court is passing the following:



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ORDER

- i. The writ petition is ***dismissed.***
- ii. Pending I.As in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS
List No.: 1 Sl No.: 44