



CNR: KAHC010599352026

NC: 2026:KHC:50956
WP No. 27461 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 27461 OF 2026 (GM-CPC)

BETWEEN:

LAKSHKMIPATHI
S/O SIDDAGANGAIAH
AGED ABOUT 57 YEARS.
RESIDING AT MASKAL VILLAGE,
GULUR HOBALI, TUMKUR TALUK.

...PETITIONER

(BY SRI. DEVIPRASAD SHETTY.,ADVOCATE)

AND:

SMT MANGAMMA
W/O LATE CHIKKAMADIYAPPA
MAJOR,
RESIDING AT MASKAL POST, MASKAL,
GULUR HOBALI, TUMKUR TALUK
DEAD BY LRS

1. M. RANGASWAMIAH
S/O LATE CHIKKAMADIYAPPA
AGED ABOUT 55 YEARS,
RESIDING AT MASKAL POST,
MASKAL, GULUR HOBALI,
TUMKUR TALUK.

M.C. NAGARAJ
S/O LATE CHIKKAMADIYAPPA
DEAD BY LRS

2. SMT.CHANDRAMMA
W/O LATE M C NAGARAJ
AGED ABOUT 47 YEARS,
RESIDING AT BIDIRAKATTE,



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SASAL POST, GULUR HOBALI,
TUMKUR TALUK.

3. SRI. SHASHIDHAR N.
S/O LATE M.C. NAGARAJ
AGED ABOUT 25 YEARS,
RESIDING AT BIDIRAKATTE,
SASAL POST, GULUR HOBALI,
TUMKUR TALUK.
4. SMT. SUSHMA N.
D/O LATE M.C. NAGARAJ
AGED ABOUT 27 YEARS,
RESIDING AT KALLI PALYA,
AGLUR POST, GUBBI TALUK,
TUMKUR TALUK-572101.
5. M.C. VISHWANATHA
S/O LATE CHIKKAMADIYAPPA
AGED ABOUT 51 YEARS,
RESIDING AT MASKAL POST,
MASKAL, GULUR HOBALI,
TUMKUR TALUK.-572101.
6. SMT. GANGAMMA
W/O GOVINDARAJU
D/O LATE CHIKKAMADIYAPPA
AGED ABOUT 48 YEARS,
RESIDING AT NANDADAMIYAN PALYA,
HARSHAGUNTE POST, NELAMANGALA TALUK,
BANGALORE RURAL DISTRICT.
7. SMT. BHAGYALAKSHMI M.C.
W/O JAYARAMAIAH
HANCHEPALYA, HANCHEPALYA POST,
NELAMANGALA TALUK,
BANGALORE RURAL DISTRICT.
8. M.R. PRASAD
S/O M.C. RANGASWAMAIAH
AGED ABOUT 30 YEARS,
RESIDING AT MASKAL POST,
GULUR HOBALI,
TUMKUR TALUK-572101.



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9. M.R. NAVEENA
S/O M.C. RANGASWAMIAH
AGED ABOUT 28 YEARS,
RESIDING AT MASKAL POST, GULUR HOBALI,
TUMKUR TALUK-572101.
10. SRI. HANUMANTHEGOWDA
S/O LATE CHIKKAMADIYAPPA
AGED ABOUT 57 YEARS.
RESIDING AT MASKAL VILLAGE, GULUR HOBALI,
TUMKUR TALUK-572101.
11. SANJEEVAIAH
S/O SIDDAPPA
AGED ABOUT 63 YEARS
R/O MASAKAL, GULURU HOBALI,
TUMKURU TALUK -572101.
12. SRI. H.N. RAGHAVENDRA
S/O HANUMANTHE GOWDA
AGED ABOUT 36 YEARS,
NO. 45, 1ST FLOOR, ANUGRAHA NILAYA CROSS,
SARASWATHIPURA, NANDINI LAYOUT,
BENGALURU - 560 009

...RESPONDENTS

(BY SRI. MANOHAR B.K., FOR C/R9 IN
CP NO.19681/2026 & ALSO FOR R8 & R9)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, QUASHING THE ORDER DATED 12.08.2026 PASSED BY THE LEARNED IX ADDL. CIVIL JUDGE AND X JMFC TUMAKURU ON IA NO. XXXI TO XXXIII IN OS NO. 620/2009 PRODUCED AS ANNEX-F AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



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ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

a) Issue a writ of Certiorari or any other appropriate writ, order or direction, quashing the order dated 12-08-2026 passed by the learned IX Additional Civil Judge & X JMFC, Tumakuru, on I.A. No. XXXI TO XXXIII in O.S. No. 620/2009 produced as Annexure-F.

b) Consequently, Allow I.A. Nos.31, 32 and 33 filed by the Petitioner under section 151 of CPC before the learned Trial Court and consequently permit the Petitioner to reopen the evidence, adduce further witness evidence and file the additional witness list, including the proposed witness Sri D.S. Lakshmikumar, who is an attesting witness to the registered sale deed dated 04/01/2007 relating to Item No. 1 of the suit schedule property;

c) Grant such other relief or reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity.

d) Such other writ or order or direction as deemed fit as circumstances of the case including an order for costs.

2. Respondent No.2 had instituted O.S. No.620/2009, in which the petitioner is arrayed as Defendant No.2. The pleadings were complete, issues had been framed and the plaintiff's evidence had been concluded. Thereafter, the evidence of the defendants was also completed and DW-5 had been cross-examined. At that stage, I.A. Nos.31 to 33 came to be filed under Section 151 and Order XVI



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Rules 1 and 2 of the Code of Civil Procedure, 1908, seeking recall of the order posting the matter for arguments, reopening of the evidence of the defendants and permitting Defendant No.2 to examine one more witness.

3. The reason stated in the applications was that the attesting witness to the sale deed in favour of Defendant No.2 was required to be examined. The Trial Court rejected the applications primarily on two grounds. First, it held that there was no requirement to examine an attesting witness to the sale deed in the facts of the case. Secondly, it noticed that, on an earlier occasion, a relinquishment deed sought to be marked in evidence had been rejected on the ground that it was unregistered and did not convey title. The Trial Court also noticed that the matter had been adjourned on several occasions when Defendant No.2, who had been examined as DW-5, was not available. On these grounds, the Trial Court concluded that the applications were filed only to delay the proceedings and rejected them.
4. Learned counsel for the petitioner submits that the sale deed has already been produced and marked in evidence. According to him, the attesting witness to



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the sale deed is known to the family and is aware of the circumstances surrounding the transaction. It is therefore submitted that his evidence would be relevant and that he ought to be permitted to be examined.

5. On being asked to indicate the specific purpose for which the attesting witness is sought to be examined, learned counsel submits that the witness is also aware of other aspects of the transaction, including the relinquishment deed.
6. In the considered opinion of this Court, the said submission does not advance the case of the petitioner. The sale deed in question is a registered document and has already been marked in evidence. There is no specific dispute raised as to its execution. In fact, the relief sought in the suit is cancellation of the said sale deed. Therefore, in the circumstances of the present case, there is no apparent necessity to examine an attesting witness merely to establish the execution of a registered sale deed which is already before the Court.
7. Learned counsel then submits that the proposed witness is also acquainted with the relinquishment



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deed and could give evidence regarding its execution.

8. The relinquishment deed admittedly is an unregistered document. A document creating or extinguishing rights in immovable property of the nature contemplated under Section 17 of the Registration Act, 1908, is required to be registered. An unregistered relinquishment deed, therefore, cannot be relied upon to establish the transfer or extinguishment of rights in immovable property in the manner claimed by Defendant No.2.
9. Therefore, even assuming that the proposed attesting witness were to be examined and his evidence were to establish the execution of the relinquishment deed, such evidence would not, by itself, confer any right, title or interest in favour of Defendant No.2 under an unregistered instrument which is required by law to be registered.
10. Thus, the proposed examination of the attesting witness would serve no useful purpose in the present suit. His evidence would neither be necessary to establish the execution of the registered sale deed, which has already been marked and whose execution is not specifically disputed, nor materially assist the



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petitioner in establishing rights under the unregistered relinquishment deed.

11. It is also relevant that the applications have been filed after the completion of the evidence and when the matter had already been posted for arguments. The Trial Court has recorded that Defendant No.2 had been afforded several opportunities and that the matter had been adjourned on occasions when he was not available. The petitioner has not demonstrated any sufficient reason to reopen the evidence at this belated stage.
12. In the circumstances, no sufficient ground is made out for interfering with the order of the Trial Court or for permitting the petitioner to reopen the evidence and examine the proposed witness.
13. Accordingly, the petition stands **dismissed**.



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(SURAJ GOVINDARAJ)
JUDGE

KTY/List No.: 4 Sl No.: 1