



CNR: KAHC010668292026

NC: 2026:KHC:54117  
WP No. 30592 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE K. V. ARAVIND**

**WRIT PETITION NO. 30592 OF 2026 (GM-CPC)**

**BETWEEN:**

1. SMT RADHIKA RAO  
SINCE DEAD BY L.R  
PRATHAM A PAI  
S/O LATE AJITH PAI  
AGED ABOUT 24 YEARS  
R/AT NO. 2B,1ST FLOOR  
SREE SREEWARI NILAYAM  
NAGASHETTIHALLI  
BENGALURU-560094  
PERMANENT ADDRESS  
NO.12-54/2 VISHRAM, RAJARATNAPURA  
MANNABETTU KINNIGOLI  
DASHINA KANNADA -574150

...PETITIONER

(BY SRI ABISHEK MARLA M. J., ADVOCATE)

**AND:**

1. VIKAS AGGARWAL,  
S/O NARENDRA AGARWAL  
R/AT VISHWAS AVENUE APARTMENT  
AGED ABOUT 44 YEARS  
PLOT NO 47/A, VIVEKANANDA COLONY,  
UMARBAG LAYOUT 2ND MAIN ROAD  
JP NAGAR POST, BENGALURU 560078
2. PREETHI AGGARWAL  
D/O VIKAS AGGARWAL

Digitally signed  
by VINUTHA B  
S  
Location: High  
Court of  
Karnataka



CNR: KAHC010668292026

NC: 2026:KHC:54117  
WP No. 30592 of 2026

AGED MAJOR  
R/AT VISHWAS AVENUE APARTMENT  
PLOT NO 47/A VIVEKANANDA COLONY  
UMARBAG LAYOUT 2ND MAIN ROAD  
JP NAGAR POST, BENGALURU 560078

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE COMMON ORDER DATED 05.09.2026 PASSED ON IA NO. 19,20, 21 AND 22 FILED IN O S NO. 5586/2016 PASSED BY THE I ADDL. CITY CIVIL AND SESSIONS JUDGE (CCH-2) AT BENGALURU (PRODUCED AS ANNEX-A) AND CONSEQUENTLY TO ALLOW IA NO. 19, 20, 21 AND 22 AS PRAYED FOR.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

**ORAL ORDER**

The present petition impugns the order dated 05.09.2026 passed in O.S. No.5586/2016, whereby I.A. Nos.19, 20, 21 and 22 came to be rejected.

2. I.A. No.19 was filed under Section 151 of the CPC, seeking to reopen the case and recall D.W.2 for further cross-examination. I.A. No.20 was filed under Order XVIII Rule 17 read with Section 151 of the CPC, seeking issuance of witness summons to Mr. Paramashivaiah, Advocate. I.A. No.21 was filed under Order XVI Rule 1 read with Section 151 of the CPC,



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WP No. 30592 of 2026**

seeking permission to file a list of witnesses. I.A. No.22 was filed under Order XVI Rules 1 and 2 read with Section 151 of the CPC, seeking issuance of notice to Mr. Paramashivaiah, Advocate, to adduce evidence.

3. It is stated that the suit was instituted by the grandmother of the petitioner herein. It is submitted that, although allegations of fraud and collusion have been made in the pleadings, the dispute revolves around the registered gift deed. It is further submitted that D.W.2 is a witness to the said document and that the learned counsel who drafted the gift deed is required to be examined. It is in that regard that the aforesaid applications came to be filed.

3.1 It is contended that the Trial Court, without considering the necessity of further cross-examination of D.W.2 and the examination of the scribe of the gift deed, has erroneously rejected the applications.

4. Considered the submissions made by the learned counsel for the petitioner and perused the impugned order.



**CNR: KAHC010668292026**

5 The suit is of the year 2016. As is evident from the averments made in the plaint, allegations have been made that defendant No.1, by fraud, misrepresentation, coercion and undue influence, got the gift deed in question executed. When the entire case is founded on allegations of coercion and misrepresentation, nothing prevented the petitioner from examining the scribe of the registered gift deed.

6. Moreover, D.W.2 has already been examined and cross-examined. After closure of the evidence, the stage was again reopened and D.W.2 was further cross-examined. The present applications have been filed at the stage when the suit is posted for final arguments.

7. In the affidavits accompanying the applications, it is stated that the scribe of the document was not known to the plaintiff and that, after the death of the original plaintiff, the applications have been filed by the legal heirs. It is further pleaded that defendant Nos.1 and 2, in collusion with the scribe of the document, got the gift deed executed and registered. It



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NC: 2026:KHC:54117  
WP No. 30592 of 2026

is contended that, in order to establish the said allegation, the scribe is required to be summoned and examined as a witness.

8. Having regard to the pleadings in the suit, the reasons assigned in the affidavits in support of the prayers made in the applications, the findings recorded by the Trial Court, the stage at which the suit presently stands, and the fact that the suit has been pending for more than ten years, this Court finds no justification to entertain the applications at this belated stage. No justifiable grounds can be found why such exercise was not undertaken when such opportunity to record evidence was available.

9. No grounds are made out warranting interference with the impugned order.

Accordingly, the writ petition stands ***dismissed***.

Sd/-  
**(K. V. ARAVIND)**  
**JUDGE**

VP  
List No.: 1 Sl No.: 53