



CNR: KAHC010675682024

NC: 2026:KHC:54789
WP No. 35130 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 35130 OF 2024 (GM-CPC)

BETWEEN:

SRI. H.SURESH KAMATH
AGED ABOUT 79 YEARS,
S/OLATE H.KAMALAKSHA KAMATH,
RESIDING AT NO 50,
SYNDICATE BANK COLONY,
MAGADI MAIN ROAD,
BENGALURU-560 079.

...PETITIONER

(BY SMT. ARCHANA M. DESAI, FOR
SRI. SREENIVASAN.K., ADVOCATE)

AND:

P.R.RAMESH
MAJOR,
S/O P.RUDRAMURTHY,
NO.144, LALBAGH FORT ROAD,
PARVATHIPURAM,
BENGALURU-560 002.

...RESPONDENT

(BY SRI. SRIKANTH.M.P. ALONG WITH
SRI. SATEESH N. KOTTALAGI, ADVOCATES)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER
DATED 11TH JULY 2024, PASSED ON INTERLOCUTORY
APPLICATION NOS.5 AND 6 IN O.S. NO.7703/2016, BEFORE
THE HON'BLE XXXI ADDITIONAL CITY CIVIL AND SESSIONS
JUDGE (CCH-14) AT BENGALURU, WHICH IS PRODUCED AS
ANNEXURE-A.

Digitally signed by
SUMATHY
KANNAN
Location: BUGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

1. This petition has been filed seeking to challenge an order dated 11.07.2024 in O.S.No.7703/2016 passed by the learned XXXI Additional City Civil and Sessions Judge at Bengaluru (hereinafter referred to as the "Impugned Order"). By the Impugned Order, two applications, (i) I.A.No.V under Section 151 of the Code of Civil Procedure, 1908 [hereinafter referred to as the 'CPC'], seeking to recall an order dated 09.12.2019 and to re-open the case for marking the documents and (ii) I.A.No.VI under Order VII Rule 14(3) read with Section 151 of the CPC, seeking an order to permit the plaintiff to produce the documents, by the petitioner/plaintiff, were dismissed.

2. After some arguments, learned counsel for the petitioner/plaintiff submits that the suit is at the stage of evidence of the respondent/defendant. However, since the



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matter is pending before this Court, the proceedings are not moving expeditiously before the learned Trial Court. Thus, the learned counsel for the petitioner/plaintiff submits that if only one opportunity is granted to the petitioner/plaintiff, to recall PW-1, on a date, the matter could be disposed of expeditiously.

3. The learned counsel for the respondent/defendant, on the other hand, submits that the matter is posted before the learned Trial Court on 05.10.2026. However, if the petitioner/plaintiff is put to terms and the time schedule is limited to one opportunity on one date, the respondent/ defendant would have 'no objection'.

4. The record reflects that these applications were filed on 13.11.2020, but decided on 11.07.2024.

5. However, and in view of the consensus between the parties and in the interest of expediency, the Court deems it apposite to grant one opportunity to the petitioner/plaintiff to recall PW-1 and for marking the documents in terms of the conditions set forth below.



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6. Accordingly, the following directions are passed:

ORDER

(i) PW-1 shall appear before the learned Trial Court on the next date of hearing, i.e., **05.10.2026** for marking of documents produced on 13.11.2020;

(ii) The respondent/defendant shall be permitted to cross-examine PW-1 on that date or on the next date of hearing on the documents;

(iii) The petitioner/plaintiff shall be permitted to re-examine PW-1, if required;

(iv) The entire process will be conducted at the earliest;

(v) The marking and the cross-examination will be limited to the documents filed by the petitioner/plaintiff, on 13.11.2020.

(vi) The learned counsel for the parties submit that they will not take any unnecessary adjournments before the learned Trial Court. The



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parties are bound by the statement made by their counsel before the Court today.

(vii) The learned Trial Court shall endeavor to conclude the trial as expeditiously as possible.

7. The Impugned Order is set aside in the foregoing terms.

8. It is clarified that the Court has not examined the matter on merits. The rights and contentions of both parties are left open to be agitated before the learned Trial Court.

9. The petition is accordingly ***disposed of***. All pending applications stand closed.

Digitally signed by TARA
VITASTA GANJU
Location: HIGH COURT
OF KARNATAKA
(TARA VITASTA GANJU)
JUDGE

BMV*
List No.: 1 Sl No.: 40