HC-KAR

NC: 2026:KHC:60482
WP No. 6346 of 2026

CNR: KAHC010135832026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 6346 OF 2026 (GM-CPC)

BETWEEN:

SRI G VIJAYA KUMAR,
AGED ABOUT 68 YEARS,
S/O LATE GUNDAPPA,
R/AT KARMLARAM POST, VARTHUR HOBLI,
BENGALURU - 560 035.

…PETITIONER

(BY SRI. KALLESHAPPA K S.,ADVOCATE)

AND:

1. SRI V VENKATACHALAPATHY,
AGED ABOUT 59 YEARS,
S/O LATE VENKATARAMANAPPA,
KARMALARAM POST, KASAVANAHALLI VILLAGE,
VARTHUR HOBLI, BANGALORE - 560 035.

2. OCEANUS DWELLINGS (P) LTD.,
NO. 1090/B, P.N. PLAZA,
4TH FLOOR, 18TH CROSS,
3RD SECTOR, HSR LAYOUT,
BENGALURU - 560 102,
REPRESENTED BY ITS MANAGING DIRECTOR.

…RESPONDENTS

(BY SRI. CHINMAY G. KURANDWAD, ADVOCATE FOR R1
SRI. K.P. THRIMURTHY, ADVOCATE FOR R2)

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

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO-QUASH THE ORDER DATED 17.01.2026 ON IA NO.8 FILED BY PETITIONER UNDER ORDER XVI RULE 1 CPC AS PER ANNX-J AND THE ORDER DATED 13.02.2026 ON IAS 10 AND 11 PASSED BY HONBLE XLIV ADDL. CITY CIVIL AND SESSIONS JUDGE BANGALORE IN OS NO. 2852/2019 AS PER ANNX-P AND ALLOW THE IAS.

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

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

ORAL ORDER

This petition impugns the order dated 13.02.2026 passed on I.A. Nos. 10 and 11, whereby the applications filed by the plaintiff under Order XVI Rule 1 of the Code of Civil Procedure seeking permission to reopen the stage of plaintiffs evidence to adduce further evidence were rejected. The suit is one for specific performance.

2. Learned counsel appearing for the petitioner submits that further evidence of PW.1 is necessary for the complete adjudication of the suit. Though the applications were filed at a belated stage, the Trial Court ought to have afforded the

plaintiff an opportunity to adduce further evidence in order to avoid multiplicity of proceedings.

3. Per contra, learned counsel appearing for the respondents, opposing the submissions, contends that the petitioner had sufficient opportunity to adduce evidence. However, the applications came to be filed only at the final stage of the suit, when the matter was posted for final arguments. It is submitted that the applications were filed with the intention of delaying the proceedings. It is further submitted that, if this Court is inclined to grant an opportunity to the petitioner, the Trial Court may be directed to expedite the disposal of the suit.

4. Having considered the submissions made by learned counsel for the parties and having regard to the nature of the suit, this Court is inclined to entertain the petition and grant the petitioner an opportunity to adduce further evidence. Such an opportunity would avoid multiplicity of proceedings and assist the Court in the complete adjudication of the suit.

5. This Court finds merit in the submission made by learned counsel for the respondents regarding the expeditious disposal of the suit. However, it is observed that there has been no delay on the part of the Trial Court in conducting the proceedings. In the circumstances, the Trial Court may be directed to expedite the disposal of the suit.

6. In that view, this Court proceeds to pass the following:

ORDER

i. Writ Petition is allowed.

ii. Impugned order dated 13.02.2026 on IA Nos.10 & 11 is hereby set aside.

iii. The petitioner shall complete further evidence on the date fixed by the Trial Court.

iv. The Trial Court shall grant opportunity if necessary, for cross-examination of the plaintiff witnesses.

v. The Trial Court is requested to expedite trial and conclude the suit within 9 months from

today. For such purpose, both the counsels are at liberty to seek advancement of the case before the Trial Court.

Sd/-
(K. V. ARAVIND)
JUDGE

NMS
List No.: 1 Sl No.: 5