IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO.10894 OF 2024 (GM-CPC)

BETWEEN:

1. MR. PRITHAM BASAPPA
AGED ABOUT 64 YEARS,
S/O LATE MR. D. CHENNABASAPPA
RESIDING AT "DODDAMANE"
NO.302, III FLOOR NO.19/1
VITTAL MALLYA ROAD,
BENGALURU – 560 001.

2. THE KUMAR SIDDANNA TRUST
A REGISTERED TRUST
HAVING ITS OFFICE AT
"DODDAMANE", NO.302,
III FLOOR NO.19/1
VITTAL MALLYA ROAD,
BENGALURU – 560 001.
REP. BY TRUSTEE
MR. PRITHAM BASAPPA

3. MRS. PADMA KUMAR SIDDANNA
AGED ABOUT 89 YEARS,
WIFE OF LATE D KUMAR SIDDANNA
RESIDING AT "DODDAMANE"
NO.301, III FLOOR NO.19/1
VITTAL MALLYA ROAD,
BENGALURU – 560 001.

4. MS. UPASTI BASAPPA
AGED ABOUT 31 YEARS,

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DAUGHTER OF MR PRITHAM
RESIDING AT "DODDAMANE"
NO.302, III FLOOR, NO.19/1
VITTAL MALLYA ROAD,
BENGALURU – 560 001.

5. MR. KABIR MEHMOOD
AGED ABOUT 39 YEARS
SON OF MR. MEHMOOD
RESIDING AT BREWERY HOUSE, NO.03,
VITTAL MALLYA ROAD,
BENGALURU - 560 001

6. MS. LAILA MEHMOOD
AGED ABOUT 42 YEARS
DAUGHTER OF MR. SHAHID MEHMOOD,
RESIDING AT BREWERY HOUSE,
NO.3, VITTAL MALLYA ROAD,
BENGALURU - 560 001

(PETITIONERS NOS.3 TO 6 ARE
REPRESENTED BY THEIR POA HOLDER
MR. PRITHAM BASAPPA)

…PETITIONERS

(BY SRI. VIVEK HOLLA, ADVOCATE)

AND:

1. MRS. SUNITHA KUMAR SIDDANNA
AGED ABOUT 62 YEARS
WIFE OF MR. M.S.SHASHIDHAR,
RESIDING AT "ISHA VILLA",
NO.201, II FLOOR NO.55/1, LAVELLE ROAD,
BENGALURU – 560 001

2. MR D. ANAND BASAPPA
AGED ABOUT 68 YEARS
SON OF LATE MR. D.BASAPPA
RESIDING AT NO.35, CRESCENT ROAD,
BENGALURU - 560 001

3. MR. D. VINOD SIVAPPA
AGED ABOUT 68 YEAR S
SON OF LATE MR. D SIVAPPA
RESIDING AT NO.4,
LAVELLE ROAD, 1ST CROSS,
BENGALURU – 560 001.

4. MR. GAUTAM BASAPPA
AGED ABOUT 61 YEARS
SON OF LATE LT. COL. D.
CHIKKABASAPPA,
RESIDING AT NO.12,
CUNNINGHAM ROAD,
BENGALURU – 560 052.

5. MR. SANJEEV BASAPPA
AGED ABOUT 59 YEARS,
SON OF LATE LT COL. D.
CHIKKABASAPPA, RESIDING
AT NO.12, CUNNINGHAM ROAD,
BENGALURU – 560 052

6. MRS. LALITHA CHIKKANNA
AGED ABOUT 92 YEARS
WIFE OF LATE MR. D. CHIKKANNA,
RESIDING AT NO.39,
LAVELLE ROAD, 7TH CROSS,
BENGALURU - 560 052

…RESPONDENTS

(BY SRI. APPAIAH.P.B., ADVOCATE FOR R1)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION, QUASHING THE ORDER DATED 30.03.2024 PASSED BY THE LXXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, CCH 73, MAYO HALL UNIT, AT BENGALURU IN O.S NO.25784/2013 (ANNEXURE-B) AND CONSEQUENTLY ALLOW I.A NO.1, 2 AND 3 OF 2024 FILED UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 IN THE SUIT; AND ETC.

THIS PETITION COMING ON FOR ORDERS 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 30.03.2024 in O.S.No.25784/2013 passed by the LXXII Additional City Civil & Sessions Judge, CCH-73, Mayo Hall Unit, Bengaluru (hereinafter referred to as the "Impugned Order"). By the Impugned Order, three applications (I.A.Nos.1, 2 and 3 of 2024) all filed by petitioners/defendant Nos.2 to 7 were dismissed.

2. I.A.No.1/2024 was filed seeking to recall the order dated 13.10.2023 closing the stage of defendant evidence; The application I.A.No.2/2024 was filed seeking to re-open the stage of defendant evidence which was closed on 13.10.2023 and I.A.No.3/2024 was filed seeking to permit one Mr. Arjun Mangalorkar being a fresh witness to be examined as DW-2.

3. The Court has briefly heard the learned counsel for the petitioners/Defendant Nos.2 to 7 as well as the learned counsel for the respondent No.1/plaintiff. Notice has not been directed to respondent Nos.2 to 6 since they are the remaining defendants in the suit and would not be contesting this matter.

4. After some arguments, learned counsel for the petitioners/Defendant Nos.2 to 7 submits that the matter is at the stage of final arguments. However, due to inadvertence, the Attesting witness of the Will (Exhibit D17), was not brought on record. He submits that in the event that the petitioners/Defendant Nos.2 to 7 are granted one opportunity to produce their witness, they will produce their witness on the same day and that no further opportunity will be taken by the petitioners/Defendant Nos.2 to 7, given the pendency of the proceedings.

5. Learned counsel for respondent No.1/plaintiff submits that given the pendency of the suit for the last 13 years, as

well as the stay granted by this Court on 18.04.2024, the hearing of the suit is getting delayed.

5.1 In addition, and on instructions, learned counsel submits that in the event if the petitioners/defendant Nos.2 to 7 are granted one opportunity to recall, re-open and examine the fresh witness DW-2, the respondent No.1/plaintiff could not have any objection with a view to expedite the matter.

6. Learned counsel for the petitioners/defendant Nos.2 to 7 submits that given the concession made by learned counsel for the respondent No.1/plaintiff, the petition can be allowed.

7. Accordingly and in view of the consensus between the parties and in the interest of the expediency, the Court deems it apposite to grant one opportunity to the petitioners/defendants Nos.2 to 7 to recall, re-open and to examine the fresh witness DW-2.

8. Accordingly, the following directions are passed:

(i) The petitioners/defendant Nos.2 to 7 are permitted to file an affidavit of DW-2 within four weeks from today;

(ii) D.W.2 shall appear before the learned Trial Court on the next date of hearing, i.e., on 08.01.2027;

(iii) On the said date, the petitioners/defendant Nos.2 to 7 shall examine him and he shall also be cross-examined by the respondent No.1/plaintiff. Any re-examination shall also be concluded on the same date;

(iv)The respondent No.1/plaintiff is granted liberty to produce any rebuttal evidence to the evidence produced by the petitioners and the same timelines will apply;

(v) The petitioners/defendant Nos.2 to 7 shall also make payment of costs in a sum of

Rs.7,500/- to the respondent No.1/plaintiff for the delay caused by them;

(vi) The learned counsel for the parties submit that they will not take any unnecessary adjournments before the learned Trial Court. The parties are bound by the statement made by their counsel before the Court today;

(viii) The learned Trial Court shall endeavour to conclude the trial as expeditiously as possible.

9. The Impugned Order is accordingly set aside. The petition is ***disposed of*** in the aforegoing terms. All pending applications stand closed.

10. 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.

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(TARA VITASTA GANJU)
JUDGE

KS/List No.: 1 Sl No.: 37