HC-KAR

NC: 2026:KHC:63128
WP No. 11879 of 2026

CNR: KAHC010268272026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 11879 OF 2026 (GM-CPC)

BETWEEN:

1. SRI.A.VENUGOPAL
AGED ABOUT 62 YEARS,
SON OF SRI ANJINAPPA,
RESIDING AT NO. KUMBALAHALLI VILLAGE,
KASABA HOBLI,
HOSKOTE TALUK,
BENGALURU RURAL DISTRICT
PIN 560067

...PETITIONER

(BY SRI. T. N. VISWANATHA, ADVOCATE)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

AND:

1. SRI MUNINARAYANAPPA
SON OF MUTHALAPPA
AGED ABOUT 82 YEARS
RESIDING AT DODDA HULLURU VILLAGE
KASABA HOBLI
KOSKOTE TALUK
BENGALURU RURAL DISTRICT
PIN 560067

2. SRI MUNISHAMAPPA
SON OF MUTHYALAPPA

AGED ABOUT 75 YEARS
RESIDING AT DODDA HULLURU VILLAGE
KASABA HOBLI
HOSAKOTE TALUK
BENGALURU RURAL DISTRICT
PIN 560067

3. SRI RAMAA
SON OF MUNISHYAMAPPA
AGED ABOUT 45 YEARS
RESIDING AT DODDA HULLURU VILLAGE
KASABA HOBLI
HOSAKOTE TALUK
BENGALURU RURAL DISTRICT
PIN 560067

4. SRI MUTHYALAPPA
SON OF MUNIYAPPA
AGED MAJOR
RESIDING AT DODDA HULLURU VILLAGE
KASABA HOBLI
HOSAKOTE TALUK
BENGALURU RURAL DISTRICT
PIN 560067

5. SRI NARAYANA SWAMY
SON OF LATE MUNIYELLAPPA
AGED ABOUT 40 YEARS
RESIDING AT DODDA HULLURU VILLAGE
KASABA HOBLI,
HOSAKOTE TALUK,
BENGALURU RURAL DISTRICT
PIN 560067

…RESPONDENTS

(BY SRI. YABESH M., ADVOCATE FOR R1 TO R3;
R5-SERVED UNREPRESENTED)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSITTUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 07/04/2026 PASSED ON IA FILED UNDER ORDER VIII RULE 17 IN O.S. NO. 48/2012 ON THE FILE OF THE PRINCIPAL CIVIL JUDGE AND JMFC, HOSKOTE, BENGALURU RURAL DISTRICT VIDE ANNEXURE-G AND ETC.

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

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

ORAL ORDER

The present petition assails the order dated 07.04.2026, whereby the applications filed under Section 151 and Order XVIII Rule 17 of the Code of Civil Procedure, 1908, seeking reopening of the evidence of defendant No.3 and permission to adduce further evidence on behalf of the defence, have been rejected.

2. Learned counsel appearing for the respondents submits that the respondents have no objection to allowing the aforesaid application.

3. In view of the submission made by learned counsel for the respondents, the following order is passed:

O R D E R

I. The order dated 07.04.2026 passed in O.S. No.48/2012 is hereby ***set aside***.

II. The applications filed under Section 151 and Order XVIII Rule 17 of the Code of Civil Procedure, 1908, are hereby ***allowed***.

III. The Trial Court is requested to bear in mind the direction issued by this Court in ***W.P. No.217/2023***, dated ***19.11.2024***, whereby the Trial Court was directed to conclude the suit within one year from the date of receipt of a copy of the said order.

The writ petition stands ***disposed of*** accordingly.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 1 Sl No.: 89