HC-KAR

NC: 2026:KHC:60224
WP No. 19470 of 2026

CNR: KAHC010433302026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 19470 OF 2026 (GM-CPC)

BETWEEN:

1. SRI Y. MUNIYELLAPPA
SINCE DEAD BY HIS LRS
SMT. M. RENUKA,
WIFE OF SRI. M. DEVARAJ,
AGED ABOUT 44 YEARS,
RESIDING AT NO.28, 3RD 'A' MAIN,
AGRAHARA DASAHALLI,
BENGALURU-560 079,
REPRESENTED BY HER HUSBAND
AND GPA HOLDER M. DEVARAJA,
SON OF LATE MUNIANJINAPPA,
AGED ABOUT 53 YEARS,
RESIDING AT NO.28, 3RD 'A' MAIN,
AGRAHARA DASAHALLI,
BENGALURU-560 079.

...PETITIONER

(BY SRI. VIVEK S. REDDY, SENIOR COUNSEL FOR
SRI. SUBBA REDDY K.N., ADVOCATE)

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

AND:

1. SRI B. SHIVANNA
SON OF LATE ANGADI BHADRAIAH,
AGED ABOUT 73 YEARS,
RESIDING AT NO.750/1,
RAJANNA BUILDING,
PEENYA 2ND BLOCK, PEENYA,
BENGALURU-560 058.

...RESPONDENT

HC-KAR

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THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 25.11.2025 PASSED BY THE LXVIII A.C.C. AND S J BENGALRU CITY VIDE ANNEXURE-E IN O.S. NO.7480/2010 AND ETC.

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 is filed challenging the order dated 28.11.2025 passed in O.S. No. 7480/2010, whereby the application filed by the petitioner/defendant under Order XVIII Rule 17 of the Code of Civil Procedure, 1908, seeking recall of P.W.1 for further cross-examination, came to be rejected.

2. Learned Senior Counsel appearing for the petitioner submits that the questions sought to be put to P.W.1 were not permitted by the Trial Court, thereby necessitating the filing of the application seeking further cross-examination. However, the reasons stated in the supporting affidavit do not reflect the said contention. Learned Senior Counsel, therefore, submits that the application may be reconsidered by the Trial Court.

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

5. The affidavit accompanying the application states that the earlier counsel representing the petitioner had not effectively cross-examined P.W.1 and that, owing to the change of counsel, the need for further cross-examination of P.W.1 had arisen.

6. A perusal of the impugned order indicates that the petitioner had cross-examined P.W.1, whereupon the stage was closed. Subsequently, an application was filed seeking reopening of the stage, which was allowed. However, upon the submission of learned counsel appearing for the defendant that the cross-examination was concluded, the stage was again closed.

7. In view of the grounds stated in the affidavit accompanying the application, the application cannot be sustained. The Trial Court was justified in rejecting the same. No error or infirmity can be found in the impugned order warranting interference by this Court.

8. However, an error in drafting the application ought not to result in prejudice or injustice to the petitioner. Accordingly, liberty is reserved to the petitioner to file a fresh application on appropriate grounds. The Trial Court shall consider such application on its own merits, without being influenced by the findings recorded either in this order or in the impugned order.

Accordingly, the writ petition is ***disposed of***.

Sd/-
(K. V. ARAVIND)
JUDGE

VP
List No.: 1 Sl No.: 6