HC-KAR

NC: 2026:KHC:60663
WP No. 28930 of 2026

CNR: KAHC010635682026

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. 28930 OF 2026 (GM-CPC)

BETWEEN:

1. SRI K. A. KRISHNAMURTHY,
   S/O LATE ANNAIAPPA,
   AGED ABOUT 77 YEARS,
   RESIDING AT NO. 12,
   12TH CROSS, 2ND MAIN,
   MAGADI MAIN ROAD,
   VIDYARANYA NAGARA,
   BENGALURU 560 023

...PETITIONER

(BY SRI. LAKSHMIKANTH K., ADVOCATE)

AND:

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

1. SRI SURESH
   DEAD BY HIS LRS
   SMT. VIJAYA BAI
   W/O SURESH,
   AGED ABOUT 62 YEARS

2. K.S. KESHAVA MURTHY
   S/O SURESH,
   AGED ABOUT 35 YEARS.

3. K .S. KISHAN
   S/O SURESH,
   AGED ABOUT 31 YEARS

ALL ARE RESIDING AT,
NO.12, 2ND CROSS,
2ND MAIN, VIDYARANYANAGARA,
MAGADI ROAD
BENGALURU-560 023.

4. SRI.VINAYAKA
S/O LATE AMBAS,
AGED ABOUT 62 YEARS,
R/AT 12, 2RD CROSS,
2ND MAIN, VIDYARANYANAGARA,
MAGADI ROAD,
BENGALURU 560 023.

5. SRI. AMARDEEP
S/O. LATE AMBAS,
AGED ABOUT 67 YEARS,
R/AT12, 2RD CROSS,
2ND MAIN, VIDYARANYANAGARA,
MAGADI ROAD,
BENGALURU - 560 023.

6. SRI.VIJAYKUMAR
S/O LATE LAKSHMINARAYANA,
AGED ABOUT 42 YEARS,
R/AT 12, 2ND CROSS,
2ND MAIN, VIDYARANYANAGARA,
MAGADI ROAD,
BENGALURU - 560 023.

7. SRI. HEMANTHKUMAR
S/O. LATE LAKSHMINARAYANA,
AGED ABOUT 38 YEARS,
R/AT 12, 2RD CROSS,
2ND MAIN, VIDYARANYANAGARA,
MAGADI ROAD, BENGALURU 560 023.

8. LAKSHMAN
S/O BALARAM,
AGED ABOUT 64 YEARS,

9. MOHAN
S/O BALARAM,
AGED ABOUT 61 YEARS.

10. RAMESH
S/O BALARAM,
AGED ABOUT 60 YEARS,
ARE RESIDING
AT NO.33, 2ND CROSS,
3RD FLOOR, VIDYANAGARA,
MAGADI ROAD,
BENGALURU 560 023.

11. GOVARDHANA
S/O LATE VITALASALA,
AGED ABOUT 65 YEARS.

12. NAGARAJ
S/O LATE VITALASALA,
AGED ABOUT 75 YEARS.

13. RAJENDRA
S/O LATE VITALASALA,
AGED ABOUT 60 YEARS.

NO. 9 TO 10 ARE RESIDING
AT NO.23, 2ND CROSS,
3RD FLOOR, VIDYANAGARA,
MAGADI ROAD, BENGALURU-560 023.

14. RAGHUNATHA
S/O RAMOSA,
AGED ABOUT 63 YEARS,
R/AT NO. 1. D STREET,
1ST CROSS, K.P AGRAHARA,
MAGADI ROAD,
BENGALURU -560 023.

15. SMT. SAROJABAI
D/O. LATE ANNIAPPA,
AGED ABOUT 77 YEARS,
R/AT No.12, 2ND CROSS,
2ND MAIN, VIDYARANYANAGARA,
MAGADI ROAD,
BENGALURU - 560 023.

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUION OF INDIA PRAYING TO QUASHING THE ORDER DATED 17.08.2026 PASSED IN OS NO. 6728/2015 ON THE INTERIM APPLICATION N5O. XIII AND XIV FOR REOPEN OF THE CASE AND FOR RE CALL THE FURTHER CROSS OF DW-1 BY LEARNED LXIII ACC AND SJ (CCH-64) BENGALURU VIDE ANNX-F.

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 is filed impugning the order dated 17.08.2026 passed on I.A. Nos. 13 and 14, whereby the applications filed under Section 151 of the CPC and Order XVIII Rule 17 of the CPC, seeking to recall D.W.1 for cross-examination, came to be rejected.

2. The suit is of the year 2015. D.W.1 was examined on 17.12.2021 and 22.11.2023. On more than four occasions, D.W.1 was present; however, the plaintiff failed to cross-examine the witness. Further, on six occasions between 16.10.2025 and 13.01.2026, D.W.1 was present, but no cross-examination was conducted. As the plaintiff failed to avail the opportunities afforded for cross-examination, the stage was closed.

3. The application seeking reopening of the stage of cross-examination of D.W.1 was filed on 17.02.2026. In the affidavit accompanying the application, the plaintiff merely stated that the failure to cross-examine D.W.1 on the dates fixed was neither intentional nor deliberate and was attributable to bona fide reasons. No further explanation was offered for the repeated failure to avail the opportunities granted.

4. The Trial Court had afforded more than sufficient opportunities to the plaintiff to cross-examine D.W.1. In the circumstances, this Court finds that the Trial Court was justified

in rejecting the application. No grounds are made out warranting interference with the impugned order.

Accordingly, the petition is ***dismissed***.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 1 Sl No.: 23