HC-KAR

NC: 2026:KHC:61248
WP No. 30994 of 2025

CNR: KAHC010672512025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 30994 OF 2025 (GM-CPC)

BETWEEN:

1. ICICI LOMBARD GENERAL INSURANCE
COMPANY LIMITED
NO. 121, THE ESTATE BUILDING, 9TH FLOOR,
DICKENSON ROAD, BENGALURU 560001.
REPRESENTED BY ITS MANAGER.

...PETITIONER

(BY SMT. UTTUR PADMAVATI SURESH, ADVOCATE)

AND:

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

1. DODDA VENKATA SATISH
S/O DODDA SURYA PRASAD,
AGED ABOUT 38 YEARS,
RESIDING AT NO. 9/1,
DOOR NO. 02, B BLOCK,
1ST FLOOR,
THAYAPPA REDDY COMPLEX,
OPPOSITE RELIANCE FRESH,
A NARAYANAPURA,
DOORVANINAGAR,
BENGALURU 560016.

PRESENTLY RESIDING AT
FLAT NO. 106, LAKVEN MEADOWS,
2ND MAIN ROAD,
COCONUT GRADEN LAYOUT,
YYAPPA NAGAR,
KODIGEHALLI MAIN ROAD, BENGALURU 560016.
(SINCE R1 IS IN COMA REPRESENTED BY WIFE
NARAKULA SHALINI
W/O DODDA VENKATA SATISH,
D/O OF NARUKULA VISWANADHAM,
AGED ABOUT 37 YEDARS,
AS A NATURAL GUARDIAN)

2. RAJAT MEHROTRA
S/O VIPIN NARAIN MEHROTRA,
NO. C-1201, ORCHID ENCLAVE,
SEEGEHALLI, BENGALURU 560067

…RESPONDENTS

(BY SRI. GURUDEVA PRASAD K. T., ADVOCATE FOR R1;
V/O DT.28.10.2025, NOTICE TO R2 IS D/W)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER PASSED ON IA FILED BY R-2 UNDER SECTION 151 AND UNDER ORDER XVIII RULE 17 OF CODE OF CIVIL PROCEDURE, DTD. 22.09.2025 IN MVC NO. 6388/2019 ON THE FILE OF V ADDITIONAL SMALL CAUSES JUDGE AND XIV ACMM, AT BENGALURU (SCCH-20) AT ANNX-Q BY ALLOWING WRIT PETITION AND SUCH OTHER RELIEFS AS THIS HON'BLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CNR: KAHC010672512025

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

ORAL ORDER

The present petition is filed challenging the order dated 22.09.2025, whereby the application filed by the petitioner under Order XVIII Rule 17 of the CPC, seeking recall of PW.6 for cross-examination, came to be rejected. The Trial Court rejected the application on the ground that the opportunity to cross-examine PW.6 had not been availed by the petitioner.

2. Learned counsel appearing for the petitioner submits that PW.6 is a neurosurgeon and that his cross-examination is necessary for assessing the disability sustained by the claimant. It is further submitted that denying the petitioner an opportunity to cross-examine PW.6 would not only prejudice the petitioner but also cause grave hardship to the petitioner.

3. Learned counsel appearing for the respondent-claimant has filed a memo stating that PW.6 appeared before the Court on more than three occasions, but was not cross-examined. It is further submitted that the claimant has no objection to permitting the petitioner to cross-examine PW.6 before the Tribunal.

4. In the light of the above, the following:

O R D E R

I. The writ petition is ***allowed***.

II. The impugned order dated 22.09.2025 is ***set aside***.

III. The application filed under Order XVIII Rule 17 of the CPC, seeking recall of PW.6 for cross-examination, is ***allowed***, subject to the condition that the cross-examination shall be completed on the date fixed by the Tribunal.

IV. If PW.6 is present before the Tribunal on the date so fixed, the petitioner shall not be entitled to any further opportunity to cross-examine the witness.

V. The petitioner shall pay costs of Rs.10,000/- to PW.6.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 1 Sl No.: 67