HC-KAR

NC: 2026:KHC:60666
WP No. 31641 of 2026

CNR: KAHC010686442026

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. 31641 OF 2026 (GM-CPC)

BETWEEN:

1. C. K. RAMAKRISHNA,
   S/O LATE C.M.KEMPEGOWDA
   AGE 66 YEARS
   R/AT NO.148, RAMANASHREE NAGAR,
   CHIKKAMMANAHALLI,
   GOTTIGERE, SOS POST,
   BELIKALLAHALLI, BENGALURU-560076

...PETITIONER

(BY SRI. MOHAMAD AYUB ALI., ADVOCATE)

AND:

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

1. LOKANTH KADRI,
   S/O LATE M.T. BANGERA
   AGE 71 YEARS

2. JAYALAKSHMI L KADRI
   W/O LOKANTH KADRI
   AGE 62 YEARS
   R/AT NO.14, SHARAVATHI
   KEMPAIAH LAYOUT,
   RMV 2ND STAGE, SANJAYANAGAR,
   BENGALURU-560094

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUION OF INDIA PRAYING TO SET ASIDE THE COMMON ORDER DATED 22/09/2026 (ANNEXURE-A) PASSED BY THE LXI ADDITIONAL CITY CIVIL AND SESSION JUDGE AT BENGALURU (CCH NO.62) FOR ADDUCING HIS EVIDENCE VIDE I.A.NO.17 APPLICATION UNDER ORDER 18 RULE 17 OF CPC DATED 22.06.2026 AND I.A.NO.18 DATED 01.07.2026 APPLICATION UNDER ORDER 8 RULE 1(A) OF CPC.

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 22.09.2026 passed on I.A. Nos. 17 and 18, whereby the applications filed under Order XVIII Rule 17 and Order VIII Rule 1(a) of the CPC, seeking to reopen the case and permit the production of documents, were rejected.

2. Learned counsel for the petitioner submits that I.A. No. 16 was filed along with a list of witnesses. However, the said witnesses did not appear before the Court and, consequently, no evidence was recorded. It is further submitted that I.A. Nos. 17 and 18 were filed seeking permission to produce vital documents that could not be traced earlier due to the petitioner's age-related ailments. The said documents were

subsequently discovered while shifting the petitioner's residence.

2.1 It is contended that the documents are essential to substantiate the petitioner's defence in the suit and that the Trial Court ought to have taken a liberal view and afforded the petitioner another opportunity to adduce evidence.

3. Considered the submissions made by learned counsel for the petitioner and perused the impugned order.

4. The suit was instituted in the year 2016 seeking the relief of permanent injunction restraining the defendants. The defendants have filed their written statement, and evidence has been recorded. When the suit had reached the stage of final arguments, the applications in question came to be filed.

5. A perusal of the grounds stated in the affidavits accompanying the applications indicates that the petitioner sought to produce certain documents on the ground that they had been recently discovered and would support the petitioner's case. It was further contended that the documents

were necessary for the proper adjudication of the suit and had not been marked in evidence.

6. Except for the aforesaid grounds, no other justification has been offered in support of the applications. The documents sought to be produced, namely, electricity bills and property tax receipts, were within the petitioner's possession. No satisfactory explanation has been furnished as to why the said documents could not have been produced during the course of the petitioner's evidence.

7. The Trial Court, having taken the aforesaid aspects into consideration, was justified in rejecting the applications. This Court finds no error or infirmity in the impugned order warranting interference.

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

Sd/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 1 Sl No.: 26