HC-KAR

NC: 2026:KHC:55840
WP No. 31252 of 2026

CNR: KAHC010687902026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 31252 OF 2026 (GM-CPC)

BETWEEN:

1. NAVEEN KUMAR V.,
   S/O. MR. VENKATARAMANAPPA,
   AGED ABOUT 40 YEARS,
   R/AT A-1101, AJMERA NUCLEUS,
   11TH FLOOR, NEXT TO MAHENDRA TECH PARK,
   424C, SHANTHIPURA,
   ELECTRONIC CITY PHASE-2,
   BENGALURU - 560 100

...PETITIONER

(BY SRI VIJAYAKUMAR K. O., ADVOCATE)

AND:

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

1. ATHULIYA NAIRA
   D/O. MR.UNNI KRISHNAN NAIR
   A-1101, AJMERA NUCLEUS,
   11TH FLOOR, NEXT TO MAHENDRA TECH PARK,
   424C, SHANTHIPURA,
   ELECTRONIC CITY PHASE-2,
   BENGALURU - 560 100.

   CORRESPONDING ADDRESS:
   PAARTH AADYANT, FLAT NO.604,
   TOWER DHRUV-A, ARJUN GANJ,
   LUCKNOW, UTTAR PRADESH-226002.

2. SANDEEP ANAND PANDEY
S/O. MR. GAURI SHANKAR PANDY
A-1101, AJMERA NUCLEUS,
11TH FLOOR, NEXT TO MAHENDRA TECH PARK,
424C, SHANTHIPURA, ELECTRONIC CITY PHASE-2,
BENGALURU - 560 100.

CORRESPONDING ADDRESS
PAARTH AADYANT, FLAT NO.604,
TOWER DHRUV-A, ARJUN GANJ,
LUCKNOW, UTTAR PRADESH-226002
KANDAYA BHAVANA, BENGALURU - 560 001.

3. CATENA HOMES INDIA PVT. LTD.,
THROUGH VIVEK K
REGISTERED OFFICE NO.45,
PATHY HOUSING L.O.,
ELECTRONIC CITY,
BENGALURU 560 100
OFFICE ADDRESS B 1399,
SHRILAL PRADHAN COMPLEX,
SANGAM VIHAR, TIGRI T POINT,
NEW DELHI - 110 080

…RESPONDENTS

(BY SRI NIKHIL HEGDE, ADVOCATE FOR C/R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED COMMON ORDER DATED 11.09.2026 IN COM. O.S.NO.70/2026 ON I.A. U/SEC. 151 OF CPC AND I.A. UNDER ORDER 18 RULE 17 OF CPC AS PER ANNEXURE-F PASSED BY THE XI ADDL. DISTRICT JUDGE (DEDICATED COMMERCIAL COURT), BENGALURU RURAL DISTRICT, BENGALURU BY ISSUE OF WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION AS THE CASE MAY BE AND ALLOW THE SAME.

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 application seeking reopening of the evidence and permitting the petitioner to cross-examine PW.1 has been rejected, taking into consideration the submission made by the learned counsel appearing for PW.1 that PW.1 would not be available as she would be travelling to the UAE.

2. Learned counsel appearing for the petitioner submits that the cross-examination of PW.1 was commenced on 18.08.2026 and, owing to the inconvenience caused to the learned counsel, the cross-examination could not be continued on 19.08.2026. It is further submitted that the Commercial Court closed the cross-examination of PW.1 on the very next date, whereupon the petitioner immediately filed an application seeking an opportunity to further cross-examine PW.1.

3. Learned counsel appearing for the caveator/respondent Nos.1 and 2 submits that, as PW.1 was scheduled to travel to the UAE, the application was opposed and came to be rejected by the Commercial Court.

4. Considered the submissions made by learned counsel for the parties.

5. The application has been rejected by the Commercial Court recording a finding that PW.1 had already left for the UAE. The said finding, however, is without any basis. On a specific query put to the learned counsel appearing for the caveator/respondent Nos.1 and 2 as to the date on which PW.1 was scheduled to travel to the UAE, learned counsel is unable to state any such date. However, learned counsel fairly submits that PW.1 would be kept present for cross-examination on the date to be fixed by this Court. The said submission is made subject to the condition that the petitioner be permitted to cross-examine PW.1 subject to payment of costs.

6. This Court is of the view that the circumstances indicate that the Court was persuaded to grant indulgence on the premise that PW.1 was required to travel to the UAE on account of her daughter's pregnancy and to attend to her immediately. The said circumstance appears to have been relied upon to seek the sympathy of the Court, though the basis for such submission is not forthcoming. Such conduct ought to have

been carefully considered by the Commercial Court while considering the application.

7. In view of the fair submission made by the learned counsel appearing for respondent Nos.1 and 2 that PW.1 would be kept present before the Commercial Court for the purpose of further cross-examination, this Court is not inclined to impose any costs.

8. Learned counsel appearing for respondent Nos.1 and 2 submits that PW.1 will be kept present before the Commercial Court on 15.10.2026 for further cross-examination. Learned counsel appearing for the petitioner undertakes to complete the cross-examination on the said date, subject to the availability of PW.1.

9. In that view of the matter, the following order:

O R D E R

I. The impugned order dated 11.09.2026 is hereby ***set aside***.

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

III. The petitioner is permitted to further cross-examine PW.1.

IV. It is submitted that the Commercial Court has posted the matter for judgment on 08.10.2026. In view of the order passed hereinabove, the Commercial Court shall not pronounce the judgment until the cross-examination of PW.1 is completed.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 1 Sl No.: 97