HC-KAR

NC: 2026:KHC:62595
WP No. 32296 of 2026

CNR: KAHC010711042026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 32296 OF 2026 (CS-RES)

BETWEEN:

THADIKAVAGILU MILK PRODUCERS
CO-OPERATIVE SOCIETY LTD.,
TADIKAVAGILU VILLAGE,
JALAMANGALA POST,
KOTGAL HOBLI,
RAMANAGARA - 562159.
REPRESENTED BY ITS TEMPORARY SECRETARY
SRI. GIRISH T.R.,
REGISTERED UNDER KARNATAKA
CO-OPERATIVE SOCIETY ACT, 1959.

...PETITIONER

(BY SRI. VEERESH MAHESH UPPIN, ADVOCATE)

Digitally signed by PREMCHANDRA M R
Location: HIGH COURT OF KARNATAKA

AND:

1. THE ASSISTANT REGISTRAR OF
   CO-OPERATIVE SOCIETY,
   RAMANAGARA SUB-DIVISION,
   RAMANAGARA - 562159.

2. SRI. DHANANJAY,
   S/O LATE T.VENKATAKRISHNAYYA,
   THADIKAVAGILU VILLAGE,
   JALAMANGALA POST,
   KOTGAL - 562159.

...RESPONDENTS

(BY SRI. YOGESH D.NAIK, AGA FOR R1;
SRI. JAI PRAKASH REDDY M., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri. Veeresh Mahesh Uppin, counsel for the petitioner, and Sri. Yogesh D. Naik, Additional Government Advocate for respondent No. 1, appeared in person.

Sri. Jai Prakash Reddy.M., counsel for respondent No. 2, appeared via video conferencing.

2. The petition is filed seeking the following reliefs:

> *"a. Set aside the Order dated 13.07.2026 in SaNi Raa-46/Dispute/31/2019-20 passed by the Respondent No.1 (ANNEXURE-N)*
>
> *b. Allow the application filed under Section 29G(2) by the Petitioner in SaNiRaa-46/Dispute/31/2019-*

20 pending on the file of the Respondent No. (ANNEXURE-J)

c. Allow the application filed under seeking to recall P.W.1 for cross-examination filed by the Petitioner in SaNiRaa-46/Dispute/31/2019-20 pending before the Respondent No.1 (ANNEXURE-K)

d. Allow this Writ Petition

e. Pass any other orders this Hon'ble Court deems fit."

3. Counsel for the petitioner submits that the petitioner is not pressing prayer No. b.

The oral submission regarding non-pressing of prayer No. b is placed on record.

4. For convenience, the parties shall be referred to as per their status and ranking before the ARCS.

5. The key facts are as follows:

Mr. T.V. Dhananjaya raised a dispute, No. 34/2019-20, against Thadikavagilu Milk Producers Co-operative

Society Limited and others. While the proceedings were pending before the ARCS, the dispute was set down for evidence. When the case was called on 24.03.2026, the first respondent was absent, but the junior counsel representing the respondent was present. The junior counsel informed the officer that the senior counsel was unwell and sought time to cross-examine PW1. The ARCS rejected the request and recorded in the order sheet dated 24.03.2026 that the cross-examination of PW1 was nil. On 06.04.2026, the first respondent filed an application to cross-examine PW1. The dispute was listed at intervals, and when the case was called on 13.07.2026, both the first respondent and counsel appearing on the respondent's behalf were absent. The ARCS rejected the application. In these circumstances, the petitioner has approached this Court seeking an opportunity to cross-examine PW1.

6. Counsel for the respective parties advanced several contentions. The arguments were heard, and the papers were carefully perused.

7. The issue is a narrow one: the request to cross-examine PW1 was declined. The order sheet relating to the dispute is annexed to the writ petition. It records that, on 24.03.2026, junior counsel for the first respondent informed the ARCS that senior counsel was unwell and unable to cross-examine PW1, and sought time for that purpose. The ARCS nevertheless declined the request and recorded that the cross-examination of PW1 was Nil. An application seeking permission to cross-examine PW1 was subsequently filed and rejected on 13.07.2026. The order sheet for that date records no reason for the rejection.

In this Court's considered opinion, the ARCS ought to have given considerable weight to the junior counsel's submission regarding the senior counsel's illness and granted time to cross-examine PW1. Although the first

respondent did not specifically plead or pray for the order dated 24.03.2026 to be set aside, an attempt was made to cross-examine PW1.

8. Considering the peculiar facts and circumstances of the case, particularly the senior counsel's illness, this Court deems it appropriate to grant the first respondent one final opportunity to cross-examine PW1. Accordingly, the ARCS is directed to recall the orders dated 24.03.2026 and 13.07.2026 and grant the first respondent that opportunity.

Counsel appearing for the respective parties jointly submits that the dispute is listed for 18.11.2026. Taking note of the submission, this Court directs the ARCS to permit counsel for respondent No. 1 to cross-examine PW1. The parties to the dispute shall be present on the date specified and proceed with the matter without seeking unnecessary adjournment. If the first respondent fails to comply with this order, the ARCS shall proceed

with the matter and dispose of the dispute as expeditiously as possible.

9. The writ of certiorari is ordered. The orders dated 24.03.2026 and 13.07.2026 (Annexure-N) are quashed.

10. Resultantly, the writ petition is ***allowed***.

On disposal of the Writ Petition, any interim order stands discharged, and any pending interlocutory applications, if any, are disposed of.

Sd/-
(JYOTI M)
JUDGE

CH
List No.: 2 Sl No.: 34