HC-KAR

NC: 2026:KHC:59611
WP No. 32865 of 2026

CNR: KAHC010724452026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 32865 OF 2026 (GM-CPC)

BETWEEN:

1. SRI THIMMAPPA @ SAGUNAPPA
S/O LATE GOVINDAPPA,
AGED ABOUT 65 YEARS,
OCCUPATION:AGRICULTURIST,
RESIDENT NAGARALU OF VILLAGE,
SAKHARAYAPATANA HOBLI, KADUR TALUK,
CHIKKAMAGALURU DISTRICT, PIN-577135.

...PETITIONER

(BY SRI. K S GANESHA, ADVOCATE)

AND:

Digitally signed by VIJAYA P
Location: High Court of Karnataka

1. SMT. DAKSHAYINI
W/O LOKESH,
D/O LATE RANGAPPA,
AGED ABOUT 32 YEARS,

2. SMT. KARIYAMMA,
W/O LATE RANGAPPA @ RANGANAIK,
AGED ABOUT 70 YEARS,
OCCUPATION:HOUSEWIFE,

3. SRI. MALLIKARJUNA,
S/O LATE GOVINDAPPA,
AGED ABOUT 30 YEARS,
OCCUPATION:AGRICULTURIST,

RESPONDENTS 1 TO 3 ARE R/O NAGARALU
SAKHARAYAPATANA HOBLI, KADUR TALUK,
CHIKKAMAGALURU DISTRICT,
KARNATAKA PIN - 577135

4. SMT. ONKARAMMA,
W/O LATE CHANDRU,
AGED ABOUT 44 YEARS,
OCCUPATION CLERK, TALUK OFFICE,
CHIKKANAYAKANAHALLI TOWN & TALUK,
TUMKUR DISTRICT. PIN 572214.

5. SMT. TANUJA
D/O LATE CHANDRU,
W/O SHANTHAPPA,
AGED ABOUT 24 YEARS,
OCCUPATION HOUSEWIFE,
R/O BALENERLU VILLAGE POST,

6. SRI. CHARAN @ CHANDU,
S/O LATE CHANDRU,
AGED ABOUT 22 YEARS,
OCCUPATION:STUDENT,
R/O C/O ONKARAMMA, CLERK,
TALUK OFFICE, TOWN TALUK,
CHIKKANAYAKANAHALLI
TUMKUR DISTRICT -PIN-572214.

7. SRI. MARULASIDDAPPA,
S/O LATE RANGAPPA,
AGED ABOUT 73 YEARS,
OCCUPATION RETIRED HEALTH INSPECTOR,
R/OF BANOOR VILLAGE AND POST,
SAKHARAYAPATANA HOBLI, KADUR TALUK,
CHIKKAMAGALURU DISTRICT. PIN -577135.

8. SMT. SHARADAMMA
W/O DODDANAIKA,
D/O LATE RANGAPPA,

AGED ABOUT 71 YEARS,
OCCUPATION HOUSEWIFE,
R/O BOMMANAKATTE VILLAGE,
NEAR KALIKAMBA TEMPLE, BHADRAVATHI,
SHIVAMOGGA DISTRICT. PIN - 577301.

9. SRI. GOPALAPPA,
S/O LATE RANGAPPA,
AGED ABOUT 69 YEARS,
OCCUPATION RETIRED HEAD COOK IN SAMAJA KALYANA DEPARTMENT,
R/O BOMMANAKATTE VILLAGE,
NEAR KALIKAMBA TEMPLE, BHADRAVATHI,
SHIVAMOGGA DISTRICT. PIN - 577301

10. SRI. NANJUNDAPPA
S/O LATE RANGAPPA,
AGED ABOUT 67 YEARS,
OCCUPATION : RETIRED SUPERINTENDENT OF ITI COLLEGE HASSAN,
RESIDENT OF 135, VIJAYANAGARA EXTENSION,
2ND STAGE, BELUR ROAD,
HASSAN. PIN 573201.

11. SMT. SAVITRAMMA,
W/O HALESHAPPA,
D/O SAGUNAMMA,
AGED ABOUT 49 YEARS,
OCCUPATION HOUSEWIFE,
R/O KORASAPURA VILLAGE,
RAMAGIRI HOBLI, HOSADURGA TALUK,
CHITRADURGA DISTRICT,
KARNATAKA. PIN-577527.

12. SMT. INDRAMMA
W/O CHANDRAPPA,
DAUGHTER-IN-LAW OF SAGUNAMMA,
AGED ABOUT 48 YEARS,
OCCUPATION HOUSEWIFE,
C/O YASHODAR, HIGH SCHOOL TEACHER,

R/O VENKATESHWARA NAGARA,
NEAR HP GAS AGENCY,
BESIDE NH 206, KADUR TOWN,
CHIKKAMAGALURU DISTRICT. PIN -577548.

13. LALITHA,
D/O GANGAMMA,
AGED ABOUT 63 YEARS,
OCCUPATION HOUSEWIFE,
RESIDING C/O VENKATESH T.E.,
S/O ESHWARAPPA, M.G. ROAD,
1ST CROSS, CHOWDESHWARI COLONY,
TARIKERE TOWN, CHIKKAMAGALURU
DISTRICT. PIN-577228.

…RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 01.10.2026 PASSED ON INTERLOCUTORY APPLICATION NO.21 IN ORIGINAL SUIT NO. 294 OF 2015 BY THE LEARNED II ADDITIONAL CIVIL JUDGE AND JMFC, KADUR, PRODUCED AS ANNEXURE-F.

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

This petition is filed impugning the order dated 01.10.2026 passed in O.S. No.294/2015, whereby I.A. No.21, filed under Order XVI Rule 6 read with Section 151 of the Code of Civil Procedure, seeking to summon the Sub-Registrar, Kadur, came to be rejected.

2. Learned counsel appearing for the petitioner submits that the petitioner's entire defence in the suit is founded on the Release Deed dated 13.02.1978, the execution of which is disputed by the plaintiff. The original Release Deed has been lost. In view of the dispute regarding its execution, it is necessary to summon the relevant document. It is further submitted that mere delay in seeking the summoning of the document ought not to deprive the petitioner of the defence available to him. It is contended that summoning the said document would not cause any prejudice to the other side and that any prejudice, if caused, can be adequately compensated.

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

4. The suit is one for partition. The defendants have set up a defence based on the registered Release Deed dated 13.02.1978. The said Release Deed is disputed by the plaintiff, as is evident from the averments made in the plaint. The suit was instituted in the year 2015. The defendants, in their written statement filed on 27.04.2017, claimed their right and share in the suit schedule property under the said registered Release Deed.

5. The evidence of the defendants was completed on 18.08.2023, and the cross-examination was concluded in the year 2025. As is evident from the impugned order, both parties have completed their arguments. It appears that the application dated 15.09.2026 seeking to summon the Sub-Registrar was filed at that stage.

6. When the execution of the Release Deed was disputed in the plaint itself in the year 2015, and the defendants claimed their right under the said document in the written statement filed in 2017, the burden was on the defendants/petitioners herein to establish the said document in accordance with law. This Court need not examine the reasoning assigned with

regard to the police complaint lodged in connection with the loss of the original Release Deed.

7. The present petition cannot be entertained in view of the delay and laches. The application, which is the subject matter of the impugned order, does not appear to have been filed bona fide. Any wrong advice or lack of advice cannot, by itself, constitute a ground for reopening the evidence. If the application is entertained at this stage, the suit would have to be retried from the stage of evidence, thereby enabling the petitioners to achieve the very purpose for which the application was filed.

8. This Court finds no error or infirmity in the impugned order warranting interference. Accordingly, the writ petition is ***dismissed***.

SD/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 1 Sl No.: 27