HC-KAR

NC: 2026:KHC:61419
WP No. 33159 of 2026

CNR: KAHC010727082026

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. 33159 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. GOWRAMMA
   W/O LATE LINGEGOWDA @ PEECHEGOWDA,
   AGED ABOUT 72 YEARS,
   R/AT MANGADAHALLI VILLAGE,
   VIRUPAKSHIPURA HOBLI,
   CHANNAPATNA TALUK,
   RAMANAGARA DISTRICT 562 160.

...PETITIONER

(BY MS. APOORVA N., ADVOCATE FOR
SRI. ASHOKA T., ADVOCATE)

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

AND:

1. SRI. KARIGOWDA
   S/O LATE CHANNEGOWDA,
   AGED ABOUT 79 YEARS,

2. SRI. NINGEGOWDA
   S/O LATE CHANNEGOWDA,
   SINCE DEAD BY LRS;

SMT. CHIKKATHAYAMMA
W/O LATE NINGEGOWDA,
AGED ABOUT 58 YEARS,

3. SRI. SOMU
S/O LATE NINGEGOWDA,
AGED ABOUT 58 YEARS,

4. SRI. GIRISHA
S/O LATE NINGEGOWDA,
AGED ABOUT 34 YEARS,

5. SMT. NETHRA
D/O LATE NINGEGOWDA,
AGED ABOUT 31 YEARS,

ALL ARE R/AT KODAMBALLI VILLAGE,
VIRUPAKSHIPURA HOBLI,
CHANNAPATNA TALUK,
RAMANAGARA DISTRICT - 562 160.

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-QUASHING THE IMPUGNED COMMON ORDER DATED 04.08.2026 PASSED BY THE ADDL. SENIOR CIVIL JUDGE AND JMFC CHANNAPATNA ON I A NO. III AND IV IN R A NO. 23/2023 VIDE ANNX-A AND ETC,.

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 04.08.2026, rejecting the application filed under Section 151 of the CPC seeking to reopen the case for the purpose of marking documents.

2. Learned counsel appearing for the petitioner submits that the documents sought to be marked under the impugned application constitute additional evidence, which is permissible under Order XLI of the CPC. It is submitted that merely quoting an incorrect provision should not result in rejection of the application.

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

4. A perusal of the application filed under Section 151 of the CPC indicates that it was filed to reopen the case of the defendants for the purpose of marking documents which are already on record. However, the other averments in the application suggest that the petitioner intended to lead

additional evidence, for which a specific provision is available under Order XLI of the CPC. Rejection of the application on a technical ground would deprive the petitioner of an opportunity to seek production of additional evidence, if otherwise warranted.

5. Though this Court is not inclined to entertain the petition, as no error can be found in the impugned order, in order to meet the ends of justice, the petitioner is granted liberty to file an appropriate application seeking permission to lead additional evidence before the First Appellate Court in accordance with law. If such an application is filed, the same shall be considered on its own merits, without being influenced by the impugned order.

6. Except for the aforesaid observation, the writ petition is not entertained and accordingly stands ***disposed of***.

Sd/-
(K. V. ARAVIND)
JUDGE

DDU/List No.: 1 Sl No.: 23