HC-KAR

NC: 2026:KHC:64744
WP No. 35692 of 2026

CNR: KAHC010792852026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 35692 OF 2026 (GM-CPC)

BETWEEN:

1. SMT.SHANKARAMMA @ SHANTHAMMA,
   W/O LATE LINGARAJA,
   AGED ABOUT 56 YEARS,
   R/O MUDIGERE VILLAGE,
   KASABA HOBLI,
   CHANNAGIRI TALUK 577213

2. USHA,
   D/O LATE LINGARAJA,
   AGED ABOUT 30 YEARS,
   R/O MUDIGERE VILLAGE,
   KASABA HOBLI,
   CHANNAGIRI TALUK-577213

Digitally signed by VIJAYA P
Location: High Court of Karnataka

...PETITIONERS

(BY SMT. IRFANA NAZEER, ADVOCATE FOR
SRI. SHIVU L V.,ADVOCATE)

AND:

1. SMT.SHOBHA .S.E.
   W/O LATE UMAPATHI,

AGED ABOUT 56 YEARS,
R/O MUDIGERE VILLAGE,
KASABA HOBLI,
CHANNAGIRI TALUK -577213

2. SMT.G.U.KAVITHA,
D/O LATE UMAPATHI,
W/O VIJAY KUMAR,
AGED ABOUT 28 YEARS,
R/O MADAPURA VILLAGE,
KASABA HOBLI,
CHANNAGIRI TALUK 577215.

3. SMT.G.U.DIVYA,
D/O LATE UMAPATHI,
W/O ESHWAR,
AGED ABOUT 26 YEARS,
R/O MADAPURA VILLAGE,
KASABA HOBLI,
CHANNAGIRI TALUK -577215.

4. G.U.RUCHITA
D/O LATE UMAPATHI,
AGED ABOUT 21 YEARS,
R/O MUDIGERE VILLAGE,
KASABA HOBLI,
CHANNAGIRI TALUK -577213.

5. H.L. VENKATESH,
S/O SMT.SHAKUNTHALAMMA
AGED ABOUT 32 YEARS,
R/O MUDIGERE VILLAGE,
KASABA HOBLI,
CHANNAGIRI TALUK - 577213.

6. SMT.SHAKUNTHALAMMA,
D/O PUTTAPPA,
AGED ABOUT 58 YEARS,
R/O MUDIGERE VILLAGE,
KASABA HOBLI,
CHANNAGIRI TALUK-577213

7. NAGARAJA.
S/O LATE SHANKARAPPA,
AGED ABOUT 53 YEARS,
R/O MUDIGERE VILLAGE, KASABA HOBLI,
CHANNAGIRI TALUK 577213.

8. YADURAJA @ VEDARAJ,
S/O LATE SHANKARAPPA,
AGED ABOUT 52 YEARS,
R/O MUDIGERE VILLAGE, KASABA HOBLI,
CHANNAGIRI TALUK-577213.

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE AN APPROPRIATE WRIT, ORDER OR DIRECTION CALLING FOR THE RECORDS PERTAINING TO THE ORDER DATED 29.10.2026 PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND JMFC, CHANNAGIRI, IN R.A. NO.47/2025, AND SET ASIDE THE SAID ORDER ANNEXURE-D. B) CONSEQUENTLY, DIRECT THE LEARNED SENIOR CIVIL JUDGE AND JMFC, CHANNAGIRI, TO RESTORE R.A.NO.47/2025 TO THE STAGE OF ARGUMENTS AND AFFORD THE PETITIONERS A REASONABLE OPPORTUNITY TO PLACE THEIR WRITTEN ARGUMENTS ON RECORD AND

ADVANCE THEIR ORAL ARGUMENTS, IN ACCORDANCE WITH LAW.

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 impugns the order dated 29.10.2026, whereby the presence of the petitioners, who are defendant Nos.5 and 6, was recorded and the matter was posted for judgment.

2. Learned counsel appearing for the petitioners submits that, on 29.10.2026, the First Appellate Court heard the arguments of respondent No.3. It is submitted that, as the arguments of respondent No.3 concluded at the fag end of the day, a request was made to accommodate the matter on another date to enable the petitioners to address their arguments. However, the First Appellate Court, without granting such opportunity, proceeded to post the suit for judgment.

2.1 It is further submitted that an application came to be filed on 16.11.2026 seeking recall of the order dated 29.10.2026 and permission to defendant Nos.5 and 6 to address their arguments. However, no orders have been passed on the said application. It is also submitted that, though the petitioners sought to file written arguments, the First Appellate court declined to take the same on record.

3. Considered the submissions made by learned counsel for the petitioners and perused the material on record.

4. Without expressing any opinion on, or assigning any reasons to, the submissions made by learned counsel for the petitioners, and in the absence of the respondents, it would suffice to direct the First Appellate court to afford an opportunity to defendant Nos.5 and 6 (petitioners herein) to address their oral arguments and, if necessary, to receive their written arguments on record. Thereafter, the First Appellate Court shall proceed with the suit in accordance with law.

5. The petitioners shall address their arguments on the next date of hearing fixed by the First Appellate Court.

6. Pending compliance with the directions issued in this petition, the First Appellate Court is directed not to pronounce judgment in R.A.No.47/2025.

7. The Registry is directed to communicate this order to the Senior Civil Judge and JMFC, Channagiri.

With the above observations and directions, this petition stands ***disposed of***.

Sd/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 1 Sl No.: 31