



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 7292 OF 2026 (GM-CPC)

BETWEEN:

MRS.SINDHU BHASKAR
W/O. MR. BHASKAR
AGED ABOUT 49 YEARS
NO.21, 15 A CROSS, BENDRENAGAR
UTTARAHALLI MAIN ROAD
BANASHANKARI, 2NDSTAGE, BANGALORE – 560070.
...PETITIONER
(BY SRI. RAJKUMAR R., ADVOCATE)

AND:

MR. KUMAR.K.
AGED ABOUT 61 YEARS
S/O. MR. T. KRISHNAPPA NAIDU
RESIDENT OF NO.4036 28TH CROSS
18TH MAIN, BSK 2ND STAGE
BENGALURU -560070.
...RESPONDENT
(BY SRI.M D. RAGHUNATH, ADVOCATE FOR C/R)



THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER DATED:27.02.2026 PASSED ON I.A. NO. II OF 2026(ANNEXURE-D) DATED: 07.02.2026 IN O.S. NO. 26384/2024 BY THE HON'BLE LXXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU (ANNEXURE-A) AND ALLOW THE APPLICATION AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD



ORAL ORDER

1. In this writ petition, the petitioner-defendant has called in question the order dated 24.02.2026 passed by the LXXII Addl. City Civil & Sessions Judge, Bengaluru (for short 'Trial Court'), on I.A.No.1/2026 and I.A.No.2/2026 filed by the defendant in O.S.No.26384/2024, whereby the applications filed by the defendant seeking recall of the order dated 06.12.2025 and reopening of the evidence of PW-1 for the purpose of cross-examination were rejected.

2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court in Original Suit.

3. The plaintiff instituted a suit in O.S.No.26384/2024 for ejectment. Upon service of summons, the defendant appeared and filed a written statement. On the basis of the pleadings, the Trial Court framed issues. Thereafter,



the chief-examination of PW-1 was completed. Though several opportunities were granted, the defendant failed to cross-examine PW-1. Ultimately, the evidence of PW-1 was closed on 06.12.2025 and the matter was posted for arguments. Subsequently, on 07.02.2026, the defendant filed I.A.No.1 under Section 151 of CPC and I.A.No.2 under Order XVIII Rule 17 read with Section 151 of CPC seeking to recall the order dated 06.12.2025 and to reopen the evidence of PW-1 and to allow the defendant to cross-examine PW-1. The Trial Court, by the impugned order dated 24.02.2026, dismissed the said applications. Aggrieved by the same, the present writ petition is filed.

4. It is evident that sufficient opportunities were granted to the defendant to cross-examine PW-1. Despite the same, the defendant failed to avail those opportunities, resulting in closure of the evidence of PW-1. The applications to recall have been filed on



07.02.2026. Nevertheless, in the interest of justice and to afford a final opportunity to the defendant to cross-examine PW-1, this Court is of the view that the impugned order warrants interference, subject to imposing certain cost and appropriate conditions.

5. Accordingly, the following order is passed:

ORDER

- a) The writ petition is allowed.
- b) The impugned order dated 24.02.2026 passed by the LXXII Addl. City Civil & Sessions Judge, Bengaluru, on I.A.No.1/2026 and I.A.No.2/2026 filed by the defendant in O.S.No.26384/2024, is set aside.
- c) The I.A.No.1/2026 and I.A.No.2/2026 filed by the petitioner-defendant are allowed, subject to condition that petitioner-defendant shall pay cost of Rs.30,000/- to the plaintiff on the next date of hearing before the Trial Court.



- d) The plaintiff (PW-1) shall be present before the Trial Court on the date fixed by the Trial Court.
- e) The petitioner-defendant is permitted to cross examine PW-1 on the date fixed by the Trial Court without seeking any further adjournment.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**

DM
LIST NO.: 1 SL NO.: 7