



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 10506 OF 2022 (GM-CPC)

BETWEEN:

1. SMT NIRMALA
W/O LATE NARAYANAPPA,
AGED ABOUT 55 YEARS,
R/O NO.143, 7TH CROSS,
ASHWATHA NAGAR, MUNNEKOLLALA POST,
MARATHAHALLI,
BANGALORE-37

...PETITIONER

(BY SRI. PRUTHVI RAJ N.M., ADVOCATE)

AND:

1. SMT CHENNAMMA
W/O LATE MUNIYAPPA,
AGED ABOUT 63 YEARS,
2. SMT KANTHA
W/O ASHWATH,
AGED ABOUT 51 YEARS,
R/O NO.58, 4TH CROSS,
ASHWATHANAGAR,
MUNNEKOLLALA,
BANGALORE-37
3. SMT ANJANAMMA @ ANJI
W/O ASHWATH,
AGED ABOUT 48 YEARS,
R/O NO.258, 7TH CROSS,
ASHWATHANAGAR,



MUNNEKOLLALA,
BANGALORE 37

4. SMT ANITHA
D/O LATE MUNIYAPPA,
AGED ABOUT 35 YEARS,
R/O NO.143, 7TH CROSS,
ASHWATHANAGAR, MUNNEKOLLALA POST,
MARATHAHALLI,
BANGALORE-37
5. SMT MANJULA
D/O LATE MUNIYAPPA,
AGED ABOUT 44 YEARS,
6. SRI RAJA
S/O LATE MUNIYAPPA,
AGED ABOUT 31 YEARS,
7. SMT DHANALAKSHMI
D/O LATE MUNIYAPPA,
AGED ABOUT 30 YEARS,

PETITIONERS NO.1 AND 4 TO 7 ARE ALL
R/O NO.143, 7TH CROSS,
ASHWATHANAGAR,
MUNNEKOLLALA POST,
MARATHAHALLI, BANGALORE-37

...RESPONDENTS

(BY SRI. P.S. JAGADISH, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE COMMON IMPUGNED ORDERS DATED 22.03.2022 AT ANNEXURE-E PASSED ON IA NO.5 AND 6 BY THE HONBLE ADD.CITY CIVIL AND SESSIONS JUDGE(CCH-19) BENGALURU IN OS.NO.2426/2017 AND ETC.



THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

1. The present petition seeks to challenge an order dated 22.03.2022 passed on I.A.Nos.5 filed under Order 18 Rule 17 read with 151 of the Code of Civil procedure, 1908 and I.A.No.6 filed under Section 151 of the Code of Civil Procedure, 1908 in O.S.No.2426/2017 by the learned VII Additional City Civil and Sessions Judge, Bengaluru [hereinafter referred to as the "Impugned Order"].

2. This Court by an order dated 02.06.2022 has directed the stay of the proceedings before the learned Trial Court and this order is continued as is since then. Given the pendency of the matter and the fact that stay of proceedings was granted by this Court on 02.06.2022, this Court deems it apposite to hear and decide the matter today.



3. Learned counsel for the petitioner/defendant submits that he had filed two applications for recall and further cross-examine PW.1, since prior to the cross-examination the counsel for the petitioner/defendant was suffering from illness and not in a position to appear before the Court due to doctor's advice.

4. The learned counsel submits that initially the counsel was unable to appear before the learned Trial Court and thereafter, since the opportunity to cross-examine PW.1 was closed, the matter could not be resolved. Learned counsel submits that in the interest of expediency and proceeding with the matter, if he may be granted one opportunity to cross-examine PW.1, he would avail the same and not take any further adjournments before the Trial Court.

5. Learned counsel for the respondent/plaintiff on instruction submits that this option would be amenable to him provided he is granted an opportunity to re-examine PW.1, if the need so arises.



6. The record reflects that the suit was filed in the year 2017. During the pendency of proceedings the learned Trial Court has recorded that the counsel for the petitioner/defendant was unwell, the date also reflect that it was the time of the Covid-19 Pandemic. The learned Trial Court, however, has given a finding that sufficient opportunity has been granted to the petitioner/defendant to cross-examine and thus, dismissed the applications filed for recall of PW.1.

7. In view of the consensus between the parties and in the interest of the expediency, the Court deems it apposite to grant one opportunity to the petitioner/defendant to cross-examine the PW.1.

8. Accordingly, the following directions are passed:

- (i) PW.1 shall appear before the learned Trial Court on the next date of hearing.
- (ii) The petitioner/defendant shall be permitted to cross-examine him on that date alone.



- (iii) The respondent/plaintiff shall be permitted to re challenge PW.1 if required.
- (iv) The learned counsel for the parties submit that they will not take any unnecessary adjournments before the Trial Court. The parties are bound down by the statement made by their counsel before the Court today.

9. The Impugned Order is set aside in the foregoing terms.

10. It is clarified that the court has not examined the matter on merits. The rights and contentions of both parties are left open to be agitated before the learned Trial Court.

11. The petition is ***disposed of*** in the foregoing terms.
All pending applications stands closed.

Sd/-
(TARA VITASTA GANJU)
JUDGE

PSJ
List No.: 2 Sl No.: 12