



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 5<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION NO. 16606 OF 2026 (GM-CPC)**

**BETWEEN:**

1. SMT. BHARATHI  
AGED ABOUT 47 YEARS,  
W/O. LATE RAMACHANDRA
2. SMT. BHAVYA  
AGED ABOUT 26 YEARS,  
D/O. LATE RAMACHANDRA,
3. SRI. JNANESH  
AGED ABOUT 25 YEARS,  
S/O. LATE RAMACHANDRA,

ALL ARE RESIDENTS OF SRIRAMPURA,  
JAKKUR POST, YELAHANKA HOBLI,  
BENGALURU NORTH TALUK,  
BENGALURU-560 064

...PETITIONERS

(BY SRI. D. NAGARAJA, ADVOCATE)

**AND:**

1. SMT. JANAKAMMA  
AGED ABOUT 64 YEARS,  
D/O. LATE MUNISWAMAPPA,  
W/O. RAJANNA, R/A. SHIVAPURA,  
17TH B CROSS,  
NEAR NARASHIMA SWAMY TEMPLE,  
NELAGADARANAHALI,  
PEENYA POST,  
BENGALURU-560 057





2. SMT. RATHNAMMA  
AGED ABOUT 55 YEARS,  
D/O. LATE MUNISWAMAPPA,  
R/A. NEAR MUNESHWARASWAMY TEMPLE,  
JAKKUR POST, YELAHANKA HOBLI  
SRIRAMPURA,  
BENGALURU - 560 064
  
3. SM. CHUDAMANI BH  
MAJOR  
W/O S.K. SHIVALINGAIAH  
R/A NO.18, ANNAIAPPA LAYOUT,  
GEDDLAHALLI, RAJMAHALA VIAS  
2<sup>ND</sup> STAGE, B  
ENGALURU 560 094

...RESPONDENTS

(BY SRI.B.RAMESH, ADVOCATE FOR  
SRI.K.S.NARENDRA BABU REDDY, ADVOCATE FOR  
C/R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 29-04-2026 PASSED ON I.A. NO. 10 IN O.S. NO. 3506/2015 BY THE HONBLE XV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, AT BENGALURU, IN O.S. NO. 3506/2015, AS PER ANNEXURE-A.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

**ORAL ORDER**

Aggrieved by the order passed on I.A. No. 10 in OS No. 3506 of 2015 dated 29.04.2026 by the XV Additional City Civil and Sessions Judge at Bengaluru, (hereinafter



referred to as trial Court for short) the defendants are before this Court.

2. The respondents No.1 and 3 herein have filed a suit for partition and separate possession, that came to be decreed. Against that, R.F.A. No. 1940 of 2025 is filed before this Court and by judgment and decree dated 17.11.2025 this Court has remanded the matter for the limited purpose of deciding the validity of the Will and directed the trial Court to frame an issue in this regard. Thereafter, the plaintiffs have stated that they have no evidence to lead and the defendants have led the evidence and after the completion of evidence of the defendants they have filed the instant application for recalling PW-1 for further cross-examination.

3. It is the case of the defendants that since the plaintiffs are also beneficiary of the will produced as Exs.P.5 and P.14 and the burden of proving the will is on the defendants based on the issues framed by the trial Court, it is just and necessary to cross examine PW-1.



That was objected by the plaintiffs stating that the High Court has fixed the time frame to complete the exercise before the Summer Vacation 2026. This application is filed only to protract the proceedings and no reasons are stated in the application that is filed by the defendants seeking to recall and reopen. The trial Court by the order impugned had dismissed the I.A.No.10 on the ground that the application is filed only to drag the proceedings and no reasons are stated. Aggrieved there by, the defendants are before this Court.

4. Learned counsel appearing for the defendants submits that there is no intention on the part of the defendants to protract the proceedings. In fact, as per the timeline fixed by the High Court they have been prosecuting the matter. It is submitted that in the interest of justice and to prove the will, as the plaintiffs are also beneficiaries, it is very much necessary to cross-examine the plaintiff/PW-1 and the trial Court without appreciating the said fact, only by observing that the timeline is fixed



by the Court and the application is filed to protract the proceedings has dismissed the application and the same needs to be set aside.

5. Learned counsel appearing for the respondents/plaintiffs submits that the Court has rightly dismissed the application as the same is filed only to protract the proceedings. It is submitted that the burden lies on the defendants to prove the will and in fact with regard to this in the earlier round of litigation, the plaintiff/PW-1 was cross-examined and there is nothing to cross-examine the plaintiff/PW-1 at this juncture and the Court has rightly considered the same and dismissed the application.

6. Having heard the learned counsel on both sides, perused the material on record.

7. The submission of the learned counsel for the petitioners/defendants is that earlier the plaintiff/PW-1 was examined at length. Now at this point of time, as the



burden lies on the defendants to prove, recalling the PW1 for further cross-examination is not necessary. This Court is not able to appreciate the said submission. There was no issue with regard to the alleged will earlier when the evidence is adduced. Now, additional issue is framed and if the plaintiff/PW-1 is cross-examined there is no prejudice to the plaintiff and it would facilitate the defendants to prove the will as the plaintiffs are also a beneficiaries of the said will.

8. In that view of the matter. This Court is of the view that the order that is passed by the trial Court needs to be set aside. At the same time, this Court is conscious of the earlier order passed in the RFA No.1940/2025, where timeline is fixed and considering all these, this Court is passing the following:

**ORDER**

- (i) The order passed on I.A. No. 10 in O.S. No. 3506 of 2015 dated 29.04.2026 by the XV Additional



City Civil and Sessions Judge at Bengaluru, is set aside and consequently, I.A.No.10 is allowed.

- (ii) The matter is **remanded back** to the trial Court.
- (iii) Defendants shall cross-examine PW1 on Monday i.e., on 08.06.2026 and shall conclude it on the same day.
- (iv) Defendants' further evidence shall also be completed by 12.06.2026 and the trial Court shall not grant any further adjournments and shall proceed with the matter, expeditiously in the light of the earlier orders passed by the High Court.
- (v) Accordingly, the writ petition is **allowed**.
- (vi) All I.As. in this petition shall stand closed.

**SD/-**  
**(LALITHA KANNEGANTI)**  
**JUDGE**

BVK  
List No.: 1 Sl No.: 9