



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO.104352 OF 2025 (GM-CPC)

BETWEEN:

PARAPPA S/O. FAKIRAPPA HUGAR,
AGE. 49 YEARS, OCC. AGRICULTURE,
R/O. KATARAKI, TAL. BADAMI,
DIST. BAGALKOTE, PIN-587201.

...PETITIONER

(BY SRI. S.C. HIEMATH, ADVOCATE)

AND:

1) SMT. YALLAVVA W/O. HANAMAPPA
@ HANAMANTAPPA HUGAR,
AGE: 79 YEARS, OCC: HOUSEHOLD WORK,
R/O: KADARAKOPPA, TAL: BADAMI,
DIST: BAGALKOTE, PIN-587201.

2) BASAPPA S/O. HANAMAPPA
HANAMANTAPPA HUGAR,
AGE: 52 YEARS, OCC: AGRICULTURE,
R/O: KADARAKOPPA, TAL. BADAMI,
DIST: BAGALKOTE, PIN-587201.

3) SMT. SHIVAGANGAVVA W/O. MALLAPPA HUGAR,
AGE: 39 YEARS, OCC: HOUSEHOLD WORK,
R/O: HALAKATTI, TAL : SAVADATTI,
DIST: BELAGAVI, PIN-591126.

4) SMT. THIRTHAVVA W/O. PANDAPPA HUGAR,
AGE: 74 YEARS, OCC: HOUSEHOLD WORK,
R/O: KATAGERI, TAL: BADAMI,
DIST: BAGALKOTE, PIN-587205.

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5) SMT. SHANKRAVVA W/O. BASAPPA HUGAR,
AGE: 54 YEARS, OCC: HOUSEHOLD WORK,
R/O: KATAGERI, TAL: BADAMI,
DIST: BAGALKOTE, PIN-587205.

6) SMT. SUVARNA W/O. IRAPPA HUGAR,
AGE: 35 YEARS, OCC: HOUSEHOLD WORK,
R/O: HERKAL, TAL: BILAGI,
DIST: BAGALKOTE, PIN-587116.

7) SMT. HANAMAVVA W/O. SANGAPPA HUGAR,
AGE: 79 YEARS, OCC: HOUSEHOLD WORK,
R/O: KADAPATTI, TAL: JAMAKHANDI,
DIST: BAGALKOTE, PIN:587119.

8) SHANKRAPPA S/O. SANGAPPA HUGAR,
AGE: 70 YEARS, OCC: AGRICULTURE,
R/O: KAGALAGOMBA, TAL: BADAMI,
DIST : BAGALKOTE, PIN-587205.

9) PARAPPA @ PRABHU
S/O. SANGAPPA HUGAR,
AGE: 50 YEARS, OCC: AGRICULTURE,
R/O: KAGALAGOMBA, TAL: BADAMI,
DIST: BAGALKOTE, PIN-587205.

10) SMT. MAHADEVI W/O. SHIVANAND HUGAR,
AGE: 44 YEARS, OCC: HOUSEHOLD WORK,
R/O: KADAPATTI, TAL: JAMAKHANDI,
DIST: BAGALKOTE, PIN-587119.

11) BASAPPA S/O. FAKIRAPPA HUGAR,
AGE: 39 YEARS, OCC: AGRICULTURE,
R/O: KATAGERI, TAL: BADAMI,
DIST: BAGALKOTE, PIN-587205.

12) SMT. SHARADA @ SHARAVVA
W/O. BASAPPA HUGAR,
AGE: 54 YEARS, OCC: HOUSEHOLD WORK,
R/O: NEAR GOVERNMENT HOSPITAL, KERUR,



TAL: BADAMI, DIST: BAGALKOTE, PIN-587206.

13) SMT. SUSHILAVVA W/O. PANDAPPA HUGAR,
AGE: 61 YEARS, OCC: HOUSEHOLD WORK,
R/O: HALAGATTI, TAL: RAMDURG,
DIST: BELAGAVI, PIN-591123.

14) SMT. SHANKRAVVA @ SHANKRAMMA
W/O. HANAMANT HUGAR,
AGE: 34 YEARS, OCC: HOUSEHOLD WORK,
R/O: NEAR GOVERNMENT HOSPITAL, KERUR,
TAL: BADAMI, DIST: BAGALKOTE, PIN-587205.

...RESPONDENT

(BY SRI. PRAKASH N.HOSAMANE, ADVOCATE FOR R1 TO R3;
NOTICE TO R4 TO R6, R8 TO R12 AND R14 ARE SERVED;
NOTICE TO R7 AND R13 ARE DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A. ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 28.10.2024 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC BADAMI IN OS. NO.174/2021 TAKING THE CROSS EXAMINATION CLOSED, A COPY OF WHICH IS PRODUCED AS PER ANNEXURE-D AND PERMIT THE PETITIONER TO FURTHER CROSS EXAMINATION OF PW-1 IN O.S. NO.174/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, BADAMI AND ETC.,.

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



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

1. The petitioner has filed this writ petition challenging the order dated 28.10.2024 passed by the learned Senior Civil Judge and JMFC, Badami, in O.S. No.174/2021, wherein the trial Court closed the cross-examination of P.W.1.

2. Brief facts, leading rise to the filing of this petition are as follows:

3. Respondent Nos.1 to 3 filed a suit in O.S. No.174/2021 against the petitioner and others seeking the relief of partition and separate possession of the properties described in Schedule 'A' to the plaint.

4. The petitioner filed a written statement denying the averments made in the plaint. Based on the rival pleadings of the parties, the trial Court framed the necessary issues.

5. Respondent No.1 was examined as P.W.1 and the matter was posted for cross-examination. The petitioner failed to cross-examine P.W.1. Consequently, the trial Court



treated the cross-examination of P.W.1 as closed. Aggrieved by the said order, the petitioner has filed the present writ petition.

6. Heard the arguments of the learned counsel for the petitioner, and the learned counsel for respondent Nos.1 to 3.

7. The learned counsel for the petitioner submits that the trial Court committed an error in not permitting the petitioner to cross-examine P.W.1. He submits that even if the questions or suggestions put to P.W.1 were irrelevant, the trial Court ought to have disallowed such questions instead of closing the cross-examination entirely. Hence, on these grounds, he prays to allow the writ petition.

8. *Per contra*, the learned counsel for the respondents supports the impugned order. However, he fairly submits that, in the event this Court comes to the conclusion that the impugned order is liable to be set aside, appropriate directions may be issued to the petitioner to



complete the cross-examination of P.W.1 within a stipulated time.

9. Perused the records, and considered the submissions of the learned counsel for the parties.

10. Respondent Nos.1 to 3 have filed the suit for partition and separate possession in O.S.No.174/2021. The case was posted for cross-examination of P.W.1. It appears that the petitioner was putting irrelevant questions during the course of cross-examination of PW.1.

11. The trial Court, on the ground that the questions and suggestions put forth were irrelevant, disregarded them and proceeded to close the cross-examination of P.W.1.

12. In the opinion of this Court, though the trial Court was justified in regulating the proceedings and disallowing irrelevant questions, it could not have closed the cross-examination of P.W.1 altogether on that ground.

13. Therefore, the trial Court has committed an error in closing the cross-examination of P.W.1. The impugned order dated 28.10.2024 is thus arbitrary and erroneous.



14. Accordingly, the following order is passed:

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned order dated 28.10.2024 passed by the learned Senior Civil Judge and JMFC, Badami, in O.S. No. 174/2021 is hereby set aside.
- iii. The trial Court is directed that the petitioner be permitted to cross-examine P.W.1 and the petitioner to complete the cross-examination of PW.1 on the next date of hearing.
- iv. Pending applications, if any, shall stand disposed of.
- v. Parties are directed to co-operate with the trial Court.

**Sd/-
(ASHOK S. KINAGI)
JUDGE**