



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 18696 OF 2024 (GM-CPC)

BETWEEN:

1. SRI D.R. RAMESH KUMAR
AGED ABOUT 59 YEARS,
S/O LATE D RAJAGOPALAIH
RESIDING AT DOOR NO. 2860
3RD MAIN ROAD, 17TH CROSS,
BSK III STAGE,
BENGALURU - 560070.

...PETITIONER

(BY SRI. RAKSHITHA D J.,ADVOCATE)

AND:

1. SRI. D.R. NAGARAJ
AGED ABOUT 62 YEARS,
S/O LATE D. RAJAGOPALAIH
RESIDING AT NO. 20/A,
KRISHNA ROAD, BASAVANAGUDI
BENGALURU - 560004.
2. SMT. D.R. UMADEVI
AGED ABOUT -- YEARS, MAJOR,
W/O SRI BALASUBRAMANYAM
PAVANADHAMA
7TH CROSS, N.R.COLONY
BENGALURU - 560019.

...RESPONDENTS

(BY SRI. RANGARAMU V., ADVOCATE FOR R1;





V/O DT. 16.7.2025, NOTICE TO R2 IS D/W)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 02/07/2024 VIDE ANNEXURE-A PASSED IN OS NO. 3693/2015 ON THE FILE OF LXXV ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU IN ALLOWING THE APPLICATION IN IA NO. 7 AND 8 FILED BY THE DEFENDANTS AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by the plaintiffs in O.S. No.3693/2015 is directed against the impugned common order passed on IA No.7 and IA No.8 by the LXXV Additional City Civil and Sessions Judge, Bengaluru, whereby the said application filed by the respondent No. 1 - defendant No.1 under Section 151 CPC and Order XVIII Rule 17 CPC for permission to reopen the case and for permission to adduce further evidence was allowed by the trial Court by holding as under-

I.A. No.7 filed by the defendant No.1 under Section 151 is allowed on cost of Rs.1,000/-.



I.A.No.8 filed by the defendant No.1 under Order XVIII Rule 17 r/w/Section 151 is allowed on cost of Rs.1,000/-.

For, further evidence of the defendants, call on 04.07.2024.

2. Upon reconsideration, revaluation and re-appreciation of the entire material on record, I do not find any illegality, infirmity as held in ***Radhey Shyam and Ors v Chhabi Nath and Ors – (2015) 5 SCC 423.***

3. Accordingly, the petition is thereby disposed of without interfering with the impugned order. The respondents and defendants are permitted to adduce further evidence subject to the condition that they adduce further evidence of DW2 and DW3 on 05.02.2026 or and at any rate within a period of one week from 05.02.2026 before the trial Court.

4. Liberty is reserved in favour of the petitioner - plaintiff also to adduce additional evidence if they so desire.

5. The Trial Court, before whom O.S.No.3693/2015 is pending is directed to dispose of the said suit, in accordance with



law, as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

6. The parties are directed to co-operate with the Trial Court for expeditious disposal of the suit.

7. Subject to the aforesaid directions, the petition stands ***disposed of.***

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

YKL
List No.: 1 SI No.: 23