HC-KAR

NC: 2026:KHC:56145
WP No. 30661 of 2026
C/W WP No. 30694 of 2026

CNR: KAHC010668472026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 30661 OF 2026 (GM-FC)

C/W

WRIT PETITION NO. 30694 OF 2026 (GM-FC)

IN WP No. 30661/2026

BETWEEN:

NAMRATHA PRASHANTH
AGED ABOUT 46 YEARS
W/O PRASHANTH RUDRAPPA
NO. 113, 4TH CROSS,
BHEL LAYOUT NEAR SAMBRAM COLLEGE
VIDYARANYAPURA POST
BANGALORE - 560 097

ALSO AT
46T, BATIMENT A ENTREE B
RESIDENCE DES CHARTRONS
RUE DE LEYBARDIE
BORDEAUX -33300
FRANCE

...PETITIONER

(BY SRI. N. GOWTHAM RAGHUNATH, ADVOCATE)

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

AND:

PRASHANTH RUDRAPPA
S/O LATE T.RURDAPPA
R/AT P-204, RENAISSANCE EXOTICA
JAKKUR, PLANTATION ROAD,
OFF. BELLARY ROAD

BANGALORE - 560 064

…RESPONDENT

(BY SMT.APARNA RAMESH, ADVOCATE FOR
MS.AHALEKYA V., ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RECORDS IN MC NO. 5881/2023 PENDING BEFORE THE 5TH ADDL. FAMILY JUDGE, BENGALURU AND DIRECTING THE 5TH ADDL. FAMILY JUDGE, BENGALURU TO DISPOSE OF THE MAIN MATTER IN M C NO. 5881/2023 ON MERITS IN A SPECIFIED TIME BOUND MANNER.

IN WP NO. 30694/2026

BETWEEN:

NAMRATHA PRASHANTH
AGED ABOUT 46 YEARS
W/O PRASHANTH RUDRAPPA
NO. 113, 4TH CROSS,
BHEL LAYOUT, NEAR SAMBRAM COLLEGE
VIDYARANYAPURA POST
BANGALORE - 560 097

ALSO AT
46T BATIMENT A ENTREE B
RESIDENCE DES CHARTRONS
RUE DE LEYBARDIE
BORDEAUX 33300
FRANCE

...PETITIONER

(BY SRI. N. GOWTHAM RAGHUNATH, ADVOCATE)

AND:

PRASHANTH RUDRAPPA
S/O LATE T.RURDAPPA
R/AT P-204, RENAISSANCE EXOTICA
JAKKUR, PLANTATION ROAD

OFF. BELLARY ROAD
BANGALORE - 560 064

...RESPONDENT

(BY SMT.APARNA RAMESH, ADVOCATE FOR
MS.AHALEKYA V., ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS NO. 390/2023 PENDING BEFORE THE 5TH ADDL FAMILY COURT BENGALURU TO DISPOSE OF IA NO. 5 ANNEXURE-C IN OS NO.390/2023 FORTHWITH.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

COMMON ORAL ORDER

The present writ petition is filed to conclude the evidence including the cross examination of PW.1 in M.C.No.5881/2023 on the file of the 5th Additional Family Judge, Bengaluru, in a time-bound manner, preferably within a period of 4 weeks.

2. It is stated that the petitioner is presently residing in France. It is stated that the petitioner came to India in August 2026 for the purpose of evidence. However, she was not cross-examined by the respondent before 06.09.2026, as she was required to return to France. The petitioner is willing to come to

Bangalore, India, in November 2026. Hence, this Court may direct the trial Court to commence and conclude the cross-examination of PW.1 within a specific period of time, preferably within a period of 4 weeks. It is stated that if the cross-examination has to be conducted virtually, she has to go to the consulate office in France, and this is not convenient to the petitioner.

3. Learned counsel for the respondent submits that the petitioner has repeatedly failed to cooperate with the case and has repeatedly sought time, hence, the matter is adjourned. It is submitted that, in fact, an application is filed under Order VII Rule 11 of the CPC seeking rejection of the plaint. The petitioner, who is responsible for the delay, cannot come before the Court seeking a specific direction to complete the cross-examination in a time-bound manner. It is submitted that the petitioner is not entitled for any relief from this Court.

4. Having heard the learned counsel on either side, perused the material on record. The writ petition is filed seeking a expeditious disposal of M.C. No. 5881/2023. This Court has taken a consistent view in all such matters that,

when matters from 2016 and 2017 are pending before the Family Courts at Bangalore, this Court cannot direct the disposal of the M.C. of the year 2023. The petitioner has filed I.A.No.1/2026 seeking to amend the prayer to conclude the cross-examination in a time-bound manner so that, in the particular period, she would come to India. In some of the matters, this Court had taken a view that video conferencing is not an effective way in these kinds of disputes. The party has to be present before the Court so that the Court would be able to understand the demeanor of the witness.

5. In those circumstances, considering the fact that the petitioner is residing in France, this Court deems it appropriate to direct the trial Court to complete the cross-examination of the petitioner in a time-bound manner. Hence, this Court is passing the following order:

ORDER

i. On the next date of hearing, as per the convenience of the Family Court, 4 weeks' time shall be fixed to complete the cross-examination of the petitioner so that the petitioner can make arrangements to travel to India.

ii. It is needless to mention that if the respondent's application seeking rejection of the plaint is allowed, the relief sought by the petitioner may not survive for consideration.

iii. Accordingly,WP.Nos.30661/2026 and 30694/2026 are ***disposed of***.

iv. All I.As. in these petitions shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 43