HC-KAR

CNR: KAHC010472442023

NC: 2026:KHC:47016
W.P. No.20133/2023

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO.20133/2023 (GM-CPC)

BETWEEN:

M/S. KPN TRAVELS PVT LTD.,
REGISTERED UNDER THE COMPANIES ACT 2016,
HAVING REGISTERED OFFICE AT
NO.23-B, RAJAJI STREET
SWAMAPURI COLONY, SALEM
TAMIL NADU 636004.

ALSO AT:

M/S. KPN TRAVELS INDIA LIMITED.,
REGISTERED UNDER THE COMPANIES ACT 2016,
HAVING REGISTERED OFFICE AT NO 24/3,
GROUND FLOOR, 1ST CROSS
DOUBLE ROAD, WILSON GARDEN
NEAR BMTC BUS STATION
SHANTHINAGAR
NEAR LALBAGH 2ND GATE
BANGALORE 560027.

REP. BY ITS AUTHORIZED SIGNATORY
MR. T. TAMILANBAN.

...PETITIONER

(BY SRI. SRINANDAN K, ADV.,)

AND:

SMT. SHILPA M.B.
PROPRIETOR OF
M/S NANDINI FUEL STATION
HAVING ITS OFFICE AT NO 53

AREKEMPANAHALLI
OPPOSITE TO 10TH CROSS
WILSON GARDEN
BANGALORE 560027.

…RESPONDENT

(BY SRI. D.P. MAHESH, ADV.,)

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THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 23/08/2023 PASSED BY THE LEARNED LXXXVII ADDL. CITY CIVIL AND SESSIONS JUDGE, (EXCLUSIVE DEDICATED COMMERCIAL COURT) AT BANGALORE (CCH-88) IN COMMERCIAL O.S. NO.1266/2022 IN SO FAR AS IT PERTAINS TO THE IA NO. 15 AT ANNEXURE-A & ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED ON 25.08.2026, COMING ON FOR PRONOUNCEMENT OF ORDER, THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV ORDER

This petition is filed challenging the order dated 23.08.2023 passed on I.A.No.15 in Com.O.S.No.1266/2022 by the LXXXVII Additional City Civil and Sessions Judge (exclusive dedicated Commercial Court), Bengaluru (CCH-88) (hereinafter referred to as 'the Commercial Court').

2. Sri.Srinandan K., learned counsel for the petitioner-defendant submits that the Commercial Court has proceeded to pass the impugned order without considering the material on record in its proper perspective. It is submitted that the documents sought to be produced have been mentioned in the plaint, which clearly indicates that the respondent-plaintiff was in possession of the same and despite that, the documents were not produced at the time of filing of the plaint. It is further submitted that if the plaintiff wanted to produce the additional documents, then leave of the Court ought to have been sought as per Order XI Rule 1(4) of the Code of Civil Procedure, 1908 as amended by the Commercial Courts Act, 2015 (hereinafter referred to as 'the amended CPC'), in the absence of which, the additional documents could not have been produced. It is also submitted that as per Order XI Rule 1(5), the additional documents can be relied upon if the Court grants leave to the plaintiff on establishing a reasonable cause for non-production of the

documents along with the plaint. However, in the instant case, no reasonable justification is provided by the plaintiff in order to justify the delay in producing the additional documents. It is contended that in view of the non-compliance of the strict provisions enumerated under Order XI Rule 1 of the amended CPC, the impugned order ought to be interfered with. In support of his contentions, he placed reliance on the following decisions:

a) ***SUDHIR KUMAR ALIAS S. BALIYAN Vs. VINAY KUMAR G.B.***[1]
b) ***BELA CREATION PVT. LTD. Vs. ANUJ TEXTILES***[2]
c) ***M/s. BESTECH INDIA PRIVATE LIMITED Vs. FAKIRA SINGH (DECEASED) THROUGH LRs AND ANOTHER***[3]
d) ***IFFCO TOKIO GENERAL INSURANCE COMPANY LIMITED Vs. FICUS PAX PRIVATE LIMITED***[4]

Hence, he seeks to allow the petition.

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[1] (2021) 13 SCC 71
[2] 2022 SCC OnLine Del 1366
[3] 2025 SCC OnLine P & H 14896 dt. 13.03.2025
[4] WP No. 23634/2025 dt. 03.09.2025

3. *Per contra*, Sri.D.P.Mahesh, learned counsel appearing for the respondent-plaintiff supports the impugned order and submits that the documents were genuinely secured from the Auditor after filing of the suit, hence, the delay was justified. It is submitted that the documents sought to be produced were voluminous and incomplete, from the first date to the last date of supply, that these documents were relevant for adjudication of the dispute and that no prejudice will be caused to the petitioner-defendant by their production. The decision relied on by the other side are distinguishable on facts and therefore, have no application to the facts of the case. Hence, he seeks to dismiss the petition.

4. I have heard the arguments of the learned counsel for the petitioners, the learned counsel for the respondent, meticulously perused the material available on record and given my anxious consideration to the submissions advanced on both the sides.

5. The respondent-plaintiff filed a suit in Com.O.S.No.1266/2022 against the petitioner-defendant seeking recovery of Rs.9,91,50,000/- along with interest @ 18% p.a. In the said suit, the respondent-plaintiff filed I.A.No.15 under Order XI Rule 1(5) of the amended CPC, seeking leave to produce the additional documents, namely e-mail correspondence and excel sheets recording diesel sales on the ground that the same were secured from her Auditor subsequent to filing of the suit which were voluminous. The petitioner-defendant opposed the application contending that the documents have been clearly mentioned in the plaint and there was no leave sought by the plaintiff under Order XI Rule 1(4) of the amended CPC, to produce the additional documents. The Commercial Court considered the contentions on both the sides and proceeded to allow the application on the ground that not allowing the same would cause multiplicity of proceeding, miscarriage of justice and further delay.

6. To appreciate the aforesaid contentions and evaluate the material on record in its right perspective, it would be useful to refer to the relevant provisions of Order XI Rule 1 of the amended CPC, which is extracted as follows:

> ***"ORDER XI – Disclosure, Discovery and Inspection of Documents***
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> ***Rule 1 – Disclosure and Discovery of Documents***
>
> *(1) xxxx*
>
> *(2) The list of documents filed with the plaint shall specify whether the documents in the power, possession, control or custody of the plaintiff are originals, office copies or photocopies and the list shall also set out in brief, details of parties to each document, mode of execution, issuance or receipt and line of review of said documents.*
>
> *(3) The plaint shall contain a declaration on oath from the plaintiff that all documents in the power, possession, control or custody of the plaintiff pertaining to the facts and circumstances of the proceedings initiated by him have been disclosed and copies thereof annexed with the plaint, and that the plaintiff does not have any other*

documents in its power, possession, control or custody.

(4) In case of urgent filings, the plaintiff may seek leave to rely on additional documents, as contained in any line of defense or relief, which could not be filed along with the plaint, and the Court may grant such leave only after recording reasons in writing and upon such terms as to costs or otherwise as it may deem fit. Such additional documents shall be filed within thirty days from the date of filing of the suit.

(5) The plaintiff shall not be allowed to rely on documents, which were in the plaintiff's power, possession, control or custody and not disclosed along with the plaint or within the extended period set out above, save and except by leave of court and such leave shall be granted only upon the plaintiff establishing reasonable cause for non-disclosure along with the plaint.

7. The aforesaid provisions lay down the procedure for production of documents along with a plaint and the procedure to be followed when seeking to produce the additional documents. A perusal of the aforesaid

provisions indicates the following steps in which a document can be produced:

> ***a) Production of Documents along with the Plaint [Rule 1(1) to 1(3)]*** *- The plaintiff must file a complete list of documents along with the plaint detailing those in their power, possession, control and custody. Additionally, a mandatory statement of truth (declaration on oath) must be submitted affirming that all relevant documents in their possession, power, control, or custody have been fully disclosed and annexed to the plaint.*
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> ***b) Seeking Leave for Additional Documents in Urgent Filings [Rule 1(4)]*** *- If the plaintiff is unable to produce all documents at the time of filing due to urgency, they may seek leave of the Court to produce additional documents later. However, the Court can only grant this leave for a maximum period of 30 days from the date of filing the plaint, subject to recorded reasons and potential costs.*
>
> ***c) Subsequent Production of Undisclosed Documents [Rule 1(5)]*** *- If a document in the plaintiff's custody was neither produced with the plaint nor disclosed within the 30-day urgent filing window after the Court has granted the leave, it is*

strictly barred. The plaintiff can only produce it later under Rule 1(5) if the Court grants special leave upon the plaintiff proving "reasonable cause" for its non-disclosure at the initial stage.

8. The aforesaid analysis enumerates the statutory scheme governing document production under Order XI Rule 1 of the amended CPC. It establishes the mandatory general rule requiring comprehensive disclosure at the time of filing, while delineating strict, narrow exceptions—namely under Rules 1(4) and 1(5)—where delayed production may be permitted by leave of the Court.

9. In the instant case, the plaintiff in the plaint has clearly referred to the documents sought to be produced in I.A.No.15 and stated that the said documents would be produced during the course of trial. The plaintiff, in the affidavit accompanying I.A.No.15 has also reiterated that he has already mentioned in the plaint that the documents would be produced during trial. However, the plaintiff, in his affidavit has stated that the same could not be

produced as the documents were with the Auditor and the same was very voluminous.

10. The aforesaid plaint averments and the explanation in the affidavit clearly indicate that the plaintiff intended to produce the documents during the trial. It is not the case of the plaintiff that she was subsequently made aware of the documents. Hence, when the intention of the plaintiff is clear with regard to production of the documents, I am of the view that the plaintiff ought to have produced the documents along with the plaint or would have sought leave of the Court to produce them subsequent to the filing of the plaint. In absence of any leave sought or granted regarding production of additional documents, allowing production of such documents would be against the object of the Rule and the Commercial Courts Act.

11. Furthermore, the contention of the plaintiff that the documents now sought to be produced were in the

possession of the Auditor and hence, could not be produced, is also required to be rejected as the possession of the Auditor amounts to an extended possession of the documents by the plaintiff.

12. Insofar as the contention that the document could not be produced since they are voluminous is concerned, the Hon'ble Supreme Court in the case of ***M/s. LEVITATE MOBILE TECHNOLOGIES PVT. LTD. Vs. M/s. STANDARD CHARTERED BANK & ANR.***[5] has clearly held that, evidence however voluminous, cannot water down the statutory intent and rigours of the statue. Hence, the said contention cannot be used to by-pass the procedure and even if the documents were too voluminous to be filed with the plaint in view of any urgent filing, leave of the Court under Order XI Rule 1(4) of the amended CPC, ought to have been sought. Therefore, in the absence of any such exercise by the plaintiff, the

[5] 2026 INSC 674

contention that the documents could not have been produced at the initial stage due to being voluminous, is required to rejected.

13. The main object of the Commercial Courts Act, is to create a fast and highly efficient mechanism resolving the disputes of commercial nature. In order to avoid the long delays usually found in regular Court proceedings, the Commercial Courts Act sets strict and fixed deadlines for procedures. By enforcing these strict procedures, the law aims to cut down on delays and create a framework for speedy resolution of the commercial disputes. Hence, if such procedures as one enumerated in Order XI Rule 1 of the amended CPC, are bypassed in a lenient manner, the same would defeat the very object of the Commercial Courts Act.

14. Hence, in view of the aforesaid analysis, I am of the view that the Commercial Court has committed an error in allowing the application solely on the ground that

not allowing the application would cause multiplicity of proceedings, cause miscarriage of justice and further delay the proceedings. The Commercial Court ought to have considered the application within the scope of the Commercial Courts Act. Therefore, I am of the view the impugned order is required to be interfered with.

15. It is also noticed that during the evidence-in-chief of the plaintiff, the documents which are sought to be produced under I.A.No.15 were inadvertently marked as Exs.P16 to P18 before deciding on I.A.No.15. The defendant's counsel has filed a memo dated 06.03.2023 highlighting the said error, but no correction with regard to the same has been made sofar. Hence, I am of the view that in view of the dismissal of I.A.No.15, the error in marking the documents is required to be corrected by de-exhibiting the same.

16. For the aforementioned reasons, I proceed to pass the following:

ORDER

a) The writ petition is ***allowed***.

b) The impugned order dated 23.08.2023 passed by the LXXXVII Additional City Civil and Sessions Judge, (exclusive dedicated Commercial Court), Bengaluru, is hereby set aside. Consequently, I.A.No.15 filed under Order XI Rule 1(5) of the amended CPC, by the respondent-plaintiff, is dismissed.

c) The Commercial Court is directed to dispose of the suit as early as possible without any delay.

No order as to costs.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 1 Sl No.: 3