HC-KAR

NC: 2026:KHC:43936
W.P. No.8295/2023

CNR: KAHC010186762023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO.8295/2023 (GM-CPC)

BETWEEN:

B.R. SHARAN KUMAR
S/O LATE B.N. RAMAREDDY
AGED ABOUT 65 YEARS
R/AT NO. 73, SURVEYOR STREET
SHARADA APARTMENT
BASAVANAGUDI, BANGALORE-560004.

...PETITIONER

(BY SMT. ADITI AJAY, ADV., FOR
SRI. AJAY GOVINDARAJ, ADV.,)

AND:

1. GREEN HOUSE INTERNATIONAL PRESCHOOLS
PVT LTD
REP BY ITS DIRECTOR
MRS. SEEMA AJIT PILLAY
AGED ABOUT 52 YEARS
R/AT FLAT NO.781, TOWER NO.7
EMBASSY PRISTINE
6TH MAIN ROAD, IBBLUR VILLAGE
BELLANDUR, BENGALURU-560103.

2. EARLY GROW
REP BY ITS PROPRIETOR
MRS. SEEMA AJIT PILLAY
AGED ABOUT 52 YEARS
R/AT FLAT NO.781, TOWER NO.7
EMBASSY PRISTINE
6TH MAIN ROAD, IBBLUR VILLAGE

BELLANDUR
BANGALORE-560103.

…RESPONDENTS

(BY SRI. ARJUN RAO, ADV., FOR R1 & R2)

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THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ALLOW THIS PETITION AND SET ASIDE THE IMPUGNED ORDER DTD 17.03.2023 PASSED BY THE LXXXVII ADDL. CITY CIVIL AND SESSIONS JUDGE, COMMERCIAL COURT (CCH-88) IN COM OS 486/2022 ON IA NO. 10 AT ANNX-A DISMISSING THE APPLICATION FILED BY THE PETITIONER UNDER ORDER VII RULE 14(3) OF THE CIVIL PROCEDURE CODE & ETC.

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

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

ORAL ORDER

This writ petition is filed challenging the order dated 17.03.2023 passed on I.A.No.10 in Com.O.S.No.486/2022 by the LXXXVII Additional City Civil and Sessions Judge, Commercial Court, Bengaluru (CCH 88) (for short, the Commercial Court').

2. Smt.Aditi Ajay, learned counsel appearing on behalf of Sri.Ajay Govindaraj, learned counsel for the

petitioner submits that the petitioner-plaintiff had filed a suit for recovery of arrears of rent against the respondents-defendants. In the said suit, during the course of trial, an application in I.A.No.10 was filed by the plaintiff for production of documents which came to be rejected by the Commercial Court erroneously on the ground that no proper reasons were assigned. It is submitted that the application for production of documents is required to be considered leniently by applying judicious mind. In support of her contentions, she placed reliance on the following decisions:

(1) SUGANDHI (DEAD) BY LEGAL REPRESENTATIVES AND ANOTHER Vs. P.RAJKUMAR REPRESENTED BY HIS POWER AGENT IMAM OLI[1]

(2) LEVAKU PEDDA REDDAMMA & ORS. Vs. GOTTUMUKKALA VENKATA SUBBAMMA & ANR.[2]

Hence, she seeks to allow the petition.

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[1] (2020) 10 SCC 706

[2] 2022 LiveLaw (SC) 553

3. *Per contra*, Sri.Arjun Rao, learned counsel for the respondents supports the impugned order of the Commercial Court and submits that if such applications are allowed, the very object of the Commercial Court would be defeated. The Commercial Court, taking note of the fact that absolutely no reasons were assigned in the affidavit accompanying the application, rejected the application. It is submitted that the particulars of the documents sought to be produced was not stated in the affidavit nor the copies of the documents were enclosed with the affidavit. Even in the writ petition, such averment is silent. In support of his contentions, he placed reliance on the decision of this Court in the case of ***IFFCO TOKIO GENERAL INSURANCE COMPANY LIMITED Vs. FICUS PAX PRIVATE LIMITED[3].***

4. I have heard the arguments of the learned counsel for the petitioner, the learned counsel for the

[3] W.P.No.23634/2025 dt. 03.09.2025

respondents and meticulously perused the material available on record.

5. The plaintiff has filed Com.O.S.No.486/2022 for recovery of arrears of rent. In the said suit, the defendants entered appearance and filed a detailed written statement. The plaintiff was examined as PW-1. On 18.01.2023, the matter was posted for the evidence of the defendants. At that stage, the plaintiff filed an application under Order VII Rule 14(3) of Code of Civil Procedure, 1908 (for short, 'the CPC') seeking prayer to produce certain documents.

6. It is to be noticed, at the outset that the application filed by the plaintiff before the Commercial Court is on an incorrect provision of law. Be that as it may, the application ought to have been filed under Order XI Rule 1(5) of the CPC as amended pursuant to the Commercial Courts Act, 2015 (for short, 'amended CPC'). A perusal of the affidavit accompanying the application

indicates that the deponent has stated that at the time of filing of the suit, he was not in the country and the said application was filed on his behalf by his General Power of Attorney holder and inadvertently, certain documents which ought to have been produced in support of his claim, was not produced. Taking note of such assertions in the affidavit, the Commercial Court has rightly come to the conclusion that there is no sufficient cause shown in the affidavit to allow the application. The mandate of law under Order XI Rule 1(5) of the amended CPC, is that the plaintiff shall not be allowed to rely on any documents which were in plaintiff's power, possession, control or custody and not disclosed along with the plaint or within the extended period set out above, save and accept by the leave of the Court and such leave shall be granted only upon the plaintiff establishing a reasonable cause for non-disclosure along with the plaint. A perusal of the affidavit accompanying the application does not assign any reasons as to whether the documents sought to be produced along

with the application were in the custody of the plaintiff or not and why such documents were not disclosed in the plaint.

7. Be that as it may, the affidavit accompanying the application for production of documents also does not indicate a reasonable cause for non-disclosure of those documents. It would be pertinent to record that even in the application or in the affidavit accompanying the application, the plaintiff has not stated which are the documents he intended to produce before the Commercial Court. In the absence of any averment with regard to the documents sought to be produced, the Commercial Court has rightly rejected the application.

8. The judgments relied on by the learned counsel for the plaintiff are prior to the amendment to the CPC. Hence, those judgments have no application to the facts and circumstances of the case.

9. In the decision of this Court in the case of ***IFFCO TOKIO GENERAL INSURANCE COMPANY LIMITED*** referred *supra,* the Co-ordinate Bench of this Court has extracted the object and intent of the Commercial Court, more particularly the object of Order XI of the CPC as amended pursuant to the Commercial Courts Act, 2015 and taking note of the various decisions, at paragraph 13 has held as under:

> ***"13.*** *The Commercial Courts Act was enacted with the legislative intent to streamline and accelerate the adjudication of commercial disputes. To permit litigants to dribble in documents piecemeal, long after pleadings and evidence have progressed, would be to strike at the heart of the legislative command. The High Courts of Delhi and Madras have cautioned that the indulgence that may be extended in ordinary civil suits cannot be replicated in commercial matters. As observed hereinabove, I am in respectful agreement with those observations. If indulgence would be shown, the very raison d'être would stand defeated."*

10. Keeping in mind the object and intent of the Commercial Court, I am of the view that the Commercial Court was fully justified in dismissing the application. The same does not call for any interference. Accordingly, I proceed to pass the following:

ORDER

The writ petition is devoid of merits and the same is hereby ***rejected***.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 1 Sl No.: 44