



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.734 OF 2025 (GM-CPC)

BETWEEN:

VINEETHA THOMAS
W/O SQD.LDR.DR. PRAVEEN KUMAR,
BORUSHETTY,
AGED ABOUT 38 YEARS,
R/O FLAT NO.903, A-BLOCK,
NAGARJUNA MEADOWS, 1ST PHASE,
YELAHANKA NEW TOWN,
BENGALURU - 64.

...PETITIONER

(BY SMT.VINEETHA THOMAS - PETITIONER IN PERSON)

AND:

1. WG.CRD.DR. PRAMOD KUMAR TYAGI,
S/O J.C.TYAGI,
AGED 60 YEARS,
C/O COMMAND HOSPITAL,
AIR FORCE, AGRAM,
BENGALURU - 560 007.
2. SQUADRON. LEADER. DR. PRAVEEN KUMAR,
BORUSHETTY,
S/O BHADRAIAH BORUSHETTY,
AGED ABOUT 39 YEARS,
R/O PLOT NO.40,
NEW GAYATHRI NAGAR,
KARMANGHAT,



SHREEDAR COLONY,
TELENGANA, HYDERABAD - 79.

...RESPONDENTS

(BY SMT.PRATHIMA S.K., ADVOCATE FOR R1;
SERVICE OF NOTICE TO R2 IS HELD SUFFICIENT VIDE
ORDER DATED 24.06.2026)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER VIDE DATED 08.07.2019 VIDE ANNEX-N IN O.S.NO.26942/2012 PASSED BY THE LEARNED CITY CIVIL AND SESSIONS JUDGE, MAYOHALL, AT BENGALURU (CCH-74) AND SET ASIDE THE IMPUGNED ORDER AS IT IS ERRONEOUS AND HIGHLY ILLEGAL BY PASSING AN ORDER FOR THE PRODUCTION OF TITLE DEED i.e., ORIGINAL SALE DEED OF THE SUIT SCHEDULE PROPERTY, WHICH IS PURPORTED TO BE IN THE POSSESSION OF THE PLAINTIFF AND FOR SUMMONING THE 1ST DEFENDANT TO GIVE EVIDENCE AND FOR CROSS EXAMINATION OF DW-1 WHICH ARE NECESSARY FOR THE ADJUDICATION OF ADDITIONAL ISSUES INVOLVED IN THE SUIT BY ALLOWING THE PRESENT WRIT PETITION AND ETC.,

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The writ petition is filed seeking for the following prayer:

"Wherefore, the Petitioner named above most humbly pray that this Hon'ble Court maybe kindly be pleased to:

a. Issue a Writ in the nature of certiorari or any other Writ quashing the Impugned Order vide dated 08-07-2019 vide "Annexure N" in OS No.26942/2012, passed by the Learned City Civil & Sessions Judge, Mayohall, at Bengaluru (CCH-74) and set aside the Impugned Order as it is erroneous and highly



illegal, by passing an Order for the production of title deed i.e., original sale deed of the suit schedule property, which is purported to be in the possession of the Plaintiff and for summoning the 1st Defendant to give evidence and for cross examination of DW-1, which are necessary for the adjudication of Additional Issues involved in the suit, by allowing the present Writ Petition.

b. Grant any other relief/s as this Hon'ble Court deems fit to grant under the facts and circumstances of the case, in the interest of Justice and Equity."

2. The petitioner before this Court is defendant No.2 in the suit. Respondent No.1 herein has filed a suit for ejectment. In that suit, the party in person has filed applications under Order XI Rules 14 & 15 r/w Section 151 of CPC and under Order XVI Rules 1 & 2 r/w Section 151 of CPC. The application seeks a direction to the plaintiff to produce the original sale deed of the suit schedule property to establish the right and title to the property. It is the case of defendant No.2 that, according to the plaintiff, he is the absolute owner of the suit schedule property, but he has not produced any documents to show his ownership. According to the defendant No.2, the plaintiff and defendant No.1 are serving in the same department, and the plaintiff has filed the suit colluding with



defendant No.1 with an intention to dispossess her from the suit premises. Initially, the suit was filed against defendant No.1, i.e., the husband of the petitioner herein, and defendant No.2 was impleaded in the suit on the application filed by her.

3. It is the case of defendant No. 2 that she has paid a huge amount to defendant No. 1 as dowry. Having received the suit summons, defendant No.1 has remained absent. Defendant No.2 sought a direction to the plaintiff to produce the title deeds. The Court, by the impugned order, dismissed both the applications. This order was passed on 08.07.2019. While dismissing the application, the Court observed that, on going through the provisions of Order XI Rule 14 of CPC, if the documents sought to be produced are necessary for the adjudication of the issue, the Court has to direct the party to produce the same. But in the case on hand, there is no dispute regarding the ownership of the suit premises, and no issues have been framed with regard to the ownership of the plaintiff, as the ownership of the suit premises and the jural relationship have been admitted by both the parties. Hence, there are no grounds made out by defendant No. 2 for allowing the application. Then, when it comes to the other application filed



with regard to summoning the witness, the Court observed that defendant No. 1 is a tenant under the plaintiff and defendant No. 2 is the wife of defendant No. 1, and further it is also clear that there is a matrimonial dispute between defendant Nos. 1 and 2 and that matrimonial proceedings are going on before the competent Court. Defendant No. 1 has appeared before the Court through his counsel in pursuance of the summons issued by the Court in the suit, but defendant No. 1 did not choose to file a written statement. After appearance through his counsel, defendant No. 1 remained absent. When defendant No. 1 has not filed any written statement, the proceedings, judgment, and decree which are going to be passed by this Court in this suit are binding on defendant No. 1, as it is well within the knowledge of defendant No. 1 when he appeared through his counsel. As defendant No. 1 is a party to the proceedings, the question of summoning him to appear before the Court does not arise. The provisions of Order XVI Rules 1 & 2 of CPC are only for issuing summons to the witness to produce the documents or to give evidence, if the evidence of the witness is necessary for the adjudication of the issue involved in the suit.



4. The Court has further observed that defendant No.2 has filed the application praying for the issuance of summons to defendant No.1 and for securing the presence of defendant No.1, who has already appeared before the Court through his counsel. Under such circumstances, the prayer sought in the application is not sustainable. A perusal of the entire application and the affidavit of defendant No.2 clearly shows that there is no merit in the application. The Court also observed that the plaintiff has not filed an objection to the I.A. filed under Order XVI Rules 1 & 2 of CPC, but has argued on the application. Looking at the facts and circumstances, the Court has come to the conclusion that this application cannot be allowed and accordingly dismissed the same.

5. The order dated 08.07.2019 is questioned by the petitioner by filing WP.No.734/2025 on 07.01.2025. The petitioner/party-in-person submits that earlier an application was filed under Order VI Rule 17 r/w Section 151 of CPC seeking amendment of the plaint. When that was rejected, she filed a writ petition against the same, i.e., W.P.No.6885/2020, which was disposed of by the order dated 25.08.2021, whereby the Court allowed the application filed under Order VI Rule 17



r/w Section 151 of CPC. Thereafter, the Court framed additional issues.

6. It is submitted that the additional issues framed, i.e., Addl. Issue No. 6, is "Whether defendant No. 2 proves that the plaintiff has filed this suit colluding with defendant No. 1 with a common intention to evict defendant No. 2 and that the suit is not maintainable?" and Addl. Issue No. 7 is "Whether the plaintiff proves that he is the owner of the suit schedule property and entitled to the relief of eviction of defendant No. 2 from the suit premises."

7. It is submitted that in light of the additional issues, the IA filed by defendant No.2, seeking to have the plaintiff place the ownership documents before the Court is necessary and the Court has to consider the same. It is submitted that the party to the proceedings has every right to examine the witness, and summoning the witness is also necessary in the facts and circumstances of the case. This aspect was also not appreciated by the Court, and the Court had dismissed that application. When it comes to filing the writ petition in the year 2025 on an order of 2019, it is submitted that after the



additional issues are framed, she filed an application under Order VII Rule 11 of CPC, and according to the party-in-person, the order can be questioned at any time whenever the occasion arises for the party, and there is no limitation for the same.

8. The learned counsel appearing for the respondent/plaintiff submits that the suit is from the year 2012 and since then, about 40 I.As. have been filed, and the matter has been pending consideration since 2012. It is further submitted that, just because this writ petition is filed under Article 227 of the Constitution of India, it does not mean that the party can question the applications at their convenience. The order of 2019 is questioned in the year 2025. It is submitted that, on that ground alone, the writ petition has to be dismissed.

9. It is further submitted that the plaintiff approached the Court in the year 2012, and even in the year 2026, the proceedings could not be concluded. It is further submitted that the Court has rightly considered and dismissed the application. When the issue is framed as to whether the plaintiff proves that he is the owner of the property, the burden lies on the plaintiff,



and it is for the plaintiff to take the necessary steps to prove his title. If the plaintiff fails to prove his title, as the burden lies on him, the suit will be dismissed, and that is not the concern of the defendants. He submitted that, on all counts, the writ petition needs to be dismissed.

10. Having heard the petitioner/party-in-person and the learned counsel appearing for the respondents, perused the material on record.

11. Suit is filed in the year 2012 for eviction. The facts are that defendant No.1 is the tenant of the plaintiff and defendant No.2 is his wife. There are matrimonial disputes between defendant Nos.1 and 2. In the light of the matrimonial disputes between the parties, defendant No.1 left the house, and defendant No.2 continued to reside in the said premises. After the eviction suit was filed, she impleaded herself in the proceedings. When she filed IA to produce these documents, on that day it was not the case of anyone that he was not the owner of the property. On that day, it was the case that the plaintiff was the owner of the property and that it was being leased out to defendant No.1. In the light of those admitted



facts as on that day, the Court dismissed the IA. Then, coming to the application that was filed for summoning of the witness, the Court rightly observed that defendant No.1 is a party to the proceedings and had not filed the written statement and was not contesting the matter. When he was not contesting the matter, whatever orders passed by the Court are binding on him.

12. The issue in the suit is for eviction. Whether the plaintiff is entitled to the relief of eviction is the issue that has to be decided in the suit, and inter se, the matrimonial disputes between the wife and husband are not the concern of the Court. An issue has already been framed with regard to whether there is collusion between defendant Nos.1 and 2, and it is the case of defendant No.2 that there is collusion, which has to be proved by placing necessary evidence before the Court. Now, as on the day the order is passed, there is absolutely no illegality in the order. However, later an application filed under Order VI Rule 17 of CPC came to be dismissed, which was set aside by a Co-ordinate Bench of this Court and the IA was allowed. Thereafter, additional issues were framed. In those issues, the first issue is whether the



plaintiff proves that he is the absolute owner of the property. In those circumstances, though the burden lies on the plaintiff, if this application is allowed directing the plaintiff to produce the document, no prejudice would be caused to the plaintiff. In fact, that would be helpful to the plaintiff. Then, coming to the second issue, it is the considered opinion of the Court that, no interference is called for. In that view of the matter, this Court is passing the following:

ORDER

- i. The application filed under Order XI Rules 14 & 15 r/w Section 151 of CPC is allowed.
- ii. Insofar as the application filed under Order XVI Rules 1 & 2 r/w Section 151 of CPC is concerned, the order of the trial Court is affirmed.
- iii. This is the suit of the year 2012. The Trial Court shall expeditiously decide the suit without granting unnecessary adjournments. The suit shall be disposed of as expeditiously as possible, but not later than six months. All pending areas are closed.



- iv. Accordingly, the writ petition is ***disposed of***.
- v. Pending I.As., if any in this petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

PB
List No.: 1 Sl No.: 2