



CNR: KAHC010096992021

NC: 2026:KHC:38028
W.P. No.4566/2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.4566/2021 (GM-CPC)

BETWEEN:

M/S PEC LIMITED
NO. D-2, III FLOOR
GREEN VIEW APARTMENTS
NO.105, KV LAYOUT
NO.82, 30TH CROSS ROAD
JAYANAGAR, 4TH BLOCK EAST
BENGALURU.

HAVING ITS REGISTERED OFFICE
PRESENTLY AT F BLOCK
III FLOOR, FLATTED FACTORY COMPLEX
F AND G BLOCK, JHANDEWALAN
JWELLERY COMPLEX
RANI JHANSI ROAD
NEW DELHI -110055
REPRESENTED BY ITS
GPA HOLDER AND SENIOR MANAGER
JYOTI PRAKASH MAHAPATRA
S/O RATNAKAR MATI
AGED ABOUT 36 YEARS.

...PETITIONER

(BY SRI. THEJESH K.R. ADV., FOR
SRI. SHANMUKHAPPA, ADV.,)

AND:

1. M/S. FEDERAL BANK LIMITED
NO. 44, RESIDENCY ROAD
BENGALURU - 560025

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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REP. BY ITS BRANCH MANAGER.

2. M/S. PARESH EXPORTS PRIVATE LIMITED
NO.104, 1ST FLOOR, NO.56
CENTRE POINT, RESIDENCY ROAD
BENGALURU-560025
REPRESENTED BY ITS
MANAGING DIRECTOR
MOHAMMED PERVEZ.

...RESPONDENTS

(BY SMT. SUJA SURENDRAN, ADV., FOR
SRI. VIJAYA KUMAR V, ADV., FOR R1
V/O/DTD:04.12.2024, WP STAND DISMISSED IN R/O R2)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 29.01.2021 PASSED BY THE LXXXIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, (CCH-84), BENGALURU CITY IN COMMERCIAL O.S.NO.956/2008 REJECTING IA NO.4, 5 AND 6 VIDE ANNEXURE-A AND CONSEQUENTLY, ALLOW IA NO.4, 5 AND 6 IN O.S.NO.956/2008 FILED BY THE PETITIONER VIDE ANNEXURE-D, E AND F & 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 petition is filed seeking the following reliefs:

"a) *Issue a Writ, order directions in the nature of Certiorari quashing the impugned order dated 29.01.2021 passed by the LXXXIII Additional City Civil & Sessions Judge, (CCH-84), Bengaluru City in Commercial*



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O.S.No.956/2008 rejecting IA.No.4, 5 and 6 vide Annexure-'A' and consequently, allow IA.No.4, 5 and 6 in O.S.No.956/2008 filed by the Petitioner vide Annexure-'D', 'E', & 'F'; and

b)Issue any other appropriate Writ, order or direction/s as this Hon'ble Court deems fit under the facts and circumstances of the case, in the interest of justice and equity."

2. Heard the learned counsel for the petitioner, the learned counsel for the respondent and meticulously perused the material available on record.

3. The petitioner/plaintiff filed Com.OS.No.956/2008, before the LXXXIII Additional City Civil Judge, Bengaluru, seeking recovery of a sum of Rs.11,22,29,000/-. In the said suit, the plaintiff filed applications in IA.No.4 under Order XVIII Rule 17 of the Code of Civil Procedure, 1908 (for short 'CPC'), IA.No.5 under Section 151 of the CPC and IA.No.6 under Order XI Rule 5 of the CPC. The said applications were opposed by defendant No.1. The trial Court, under the impugned order dismissed the applications. Through these applications, the



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plaintiff sought reopening of the stage of plaintiff's evidence, leave to adduce further evidence, and permission to produce three additional documents referred to in the application.

4. The affidavit accompanying IA.No.6 indicates that the plaintiff had recently secured certain documents which are mentioned in the annexed application. It is further stated the said documents had been produced before the Criminal Court and are very necessary and essential for adjudication of the matter in issue and as such, it is just and necessary to permit the plaintiff-Company to produce the said document. It is further stated that the non-production of these documents is neither intentional nor deliberate.

5. It is required to be noticed that the vigour of Order XI Rule 1 of the CPC is very clear that the plaintiff shall file list of all the documents and photocopies of all the documents in its power, possession, control or custody



pertaining to the suit, along with the plaint, including the documents referred to and relied upon by the plaintiff, documents relating to any matter in question in the proceedings.

6. The perusal of the affidavit does not fall within the ambit of Order XI Rule 1 of the CPC as amended, as the plaintiff has stated that the documents had been produced before the Criminal Court. However, no particulars of the criminal proceedings were placed. If the documents were produced in the criminal proceedings, it indicates that the plaintiff had all the knowledge about these documents at the time of filing of the plaint. Hence, the explanation given in the affidavit is vague and not a genuine one. The Commercial Court, considering the said aspects as well as taking note of the fact that the applications were filed after several adjournments, when the evidence of PW1 was closed, and when the matter was posted for cross-examination of defendant No.1, has



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rightly dismissed the applications. The applications filed by the petitioner seeking reopening of the stage of the plaintiff's evidence, permission to lead further evidence and production of documents, if allowed, after the defendants' evidence has commenced and without any proper reasons in the affidavit accompanying the application, would defeat the object of the Commercial Court Act, 2015. I do not find any error in the order calling for interference. Accordingly, the writ petition is devoid of merits and the same is ***rejected***.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 23