



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 10691 OF 2024 (GM-CPC)

BETWEEN:

SRI. P.L.G. MANU
S/O LATE MR.P.P. LUKE,
AGED ABOUT 69 YEARS,
RESIDING AT NO.1193/C
UNGIRIM CURTORIM
SALCETE GOA - 403 709

...PETITIONER

(BY SRI. V. SRINIVAS RAGHAVAN, SENIOR COUNSEL FOR
SMT. ASHVINI PATIL, ADVOCATE)

AND:

1. SHASHI DISTILLERIES PRIVATE LIMITED
A COMPANY REGISTERED UNDER THE COMPANIES
ACT 1956
HAVING ITS REGISTERED OFFICE AT
501/A/4, 9TH MILE STONE,
BANNERGHATTA ROAD
BANGALORE - 560 076
REPRESENTED BY ITS DIRECTOR
2. SRI R JAYAVELU
S/O MR RAMAMURTHY
AGED ABOUT 70 YEARS
RESIDING AT NO.1140/127
20TH MAIN, 5TH , BLOCK
RAJAJIANGAR, BENGALURU - 560 010



3. SRI R THANIGAIMALAI
S/O MR RAMAMURTHY
AGED ABOUT 60 YEARS
RESIDING AT NO.1140/127
20TH MAIN, 5TH BLOCK
RAJAJIANGAR
BENGALURU - 560 010
4. SRI. N. GANESAN
S/O MR. NAMASIVAYAM,
AGED ABOUT 77 YEARS,
RESIDING AT NO.49,
VENKATA NAGAR, 1ST CROSS
PUDUCHERRY - 605 011
5. SRI PARRAYILGEORGE JOSEPH THARAKAN
S/O LATE P GEORGE THARAKAN
AGED ABOUT 53 YEARS,
RESIDING AT YURI GAGARIN ROAD,
NEW BELGRADE
SERBIA - 11000

...RESPONDENTS

(BY SRI. A MURALI.,ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO-SET ASIDE THE IMPUGNED ORDER DTD 05.04.2024 (ANNEXURE-A) PASSED BY THE LD. LXXIII ADDL. CITY CIVIL AND SESSIONS JUDGE, MAYO HALL UNIT, AT BANGALORE IN O.S.NO. 25582/2012 ON IA NO. 18 (ANNEXURE-B)

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



CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 05.04.2024 passed in IA No.18 in O.S.No.25582/2012 by the LXXIII Additional City Civil and Sessions Judge, Mayo Hall Unit, Bangalore, the plaintiff is before this court. The petitioner herein has filed an application seeking permission to produce additional documents under Order XIV Rule 17 R/w 151 of the CPC.

2. The plaintiff sought permission of the Court to produce the additional documents running into 1 to 6. An affidavit was filed in support of the same, stating that the plaintiff seeks to produce the Exercise License granted, dated 20.11.1992, in favour of M/s. Shashi Distilleries. The said document has not been disputed by the defendants and is necessary to prove the case. It is stated that the plaintiff has made allegations against defendant Nos. 2 to 4 with respect to forgery and fabrication of certain documents pertaining to M/s. Shashi Distilleries, a partnership concern, and the defendant Company. To prove that, a letter dated 04.02.2008, issued by the Ministry of Corporate Affairs to the Assistant Commissioner



of Police, MICO Layout Police Station, and the report dated 25.04.2008, drawn up by the Office of the Director, Forensic Science Laboratories, Bangalore, upon examination of the signature, the fabricated partnership dated 03.05.1993, 01.06.1997, 08.10.2024, and share transfer forms, as against the admitted signatures and acknowledgments dated 19.06.2015, of the Office of the Excise Commissioner, having received the forensic reports, are very much necessary. It is stated that the documents could not be produced at the time of filing of the suit, as the file consisting of the above documents was misplaced during the course of discussion between the advocates and the plaintiff, as it was being referred to for studying the allegations in a criminal complaint as well, and recently they have traced out the file. There is a report from the State Forensic Laboratory, and the second report was obtained by the second Investigating Officer, which was necessary.

3. He is relying on an order and also wants to place a document, i.e., the order passed by the Company Law Board dated 10.08.2009, dismissing the company petition, holding that questions of fraud and forgery complaint can be decided



only by the Civil Court, and an appeal before the High Court. The High Court, by order dated 03.02.2010, dismissed the appeal and held that the Civil Court is not bound by the CLB's findings on the merits of the case. That document was filed before the court. In particular, the petition was filed, and the same was dismissed by an order dated 16.12.2011. The said fact is not disputed by the defendants, and that document is also necessary. It is stated that the application filed by the plaintiff is bona fide and not intentional. The additional documents intended to be produced by the plaintiff are also necessary, but the report is required to arrive at the right conclusion. The Trial Court, by the impugned order, had dismissed the IA.

4. The defendants, in their statement of objection, stated that the very provision of law mentioned in the application is incorrect. Even after bringing this fact to the notice of the applicants, no steps were taken to rectify the mistake. Further, the Trial Court observed that the judgments relied on by the petitioner do not apply to the facts and circumstances of the case. It was further observed that the applicant must disclose bona fide reasons for considering the



production of documents. The provision under which the application filed is also totally irrelevant. There is no such provision under Order XIV Rule 17 of the CPC, and accordingly, the petition was dismissed.

5. Learned counsel appearing for the petitioner submits that quoting the wrong provision of law cannot be a ground for the Court to dismiss the application. It is submitted that, in the affidavit filed in support of the IA, the petitioner has categorically stated the necessity of filing these documents and has provided a factual foundation for them and for the pleadings. As those documents could not be traced at the relevant time, they could not be filed, and unless leave is granted to produce them, it would cause a lot of hardship to the plaintiff. All these aspects were not considered by the Trial Court.

6. Learned Senior Counsel representing the learned counsel appearing for the respondents submits that the Trial Court has rightly dismissed the application not only on the ground of quoting the wrong provision of law but also because the documents on which the petitioner relies are not necessary



to decide the dispute between the parties. Further, the petitioner relies on documents that are part of an enquiry in which the respondent has lodged a complaint against the petitioner.

7. It is submitted that the settled law holds that the Court cannot consider the report or enquiry which is part of a criminal case in these proceedings. The plaintiff has to prove his case by adducing necessary evidence, and he cannot rely on irrelevant documents. Given that those documents are irrelevant, the Court has rightly dismissed the application, and there is no reason to interfere with the well-considered order. It is also submitted that this is a suit of the year 2012, and that from the year 2024 to 2026, the stay of all further proceedings has been granted by this Court, which shows that the plaintiff is not interested in pursuing the suit.

8. Having heard the learned counsel for the petitioner and the learned Senior Counsel representing the learned counsel appearing for respondent Nos. 1 to 3, and having perused the material on record, the Court finds that the application is filed under Order XIV Rule 17, read with Section



151 of the CPC, seeking leave of the Court to receive certain documents. The Trial Court has dismissed the application on two grounds, namely, that the application has been filed by quoting a wrong provision of law and that the petitioner has failed to disclose bona fide reasons for the belated production of the documents. Both grounds are unsustainable. First, merely because a wrong provision of law has been quoted, the application could not have been dismissed. If it is permissible, whatever is the provision of law, the Court can allow the application.

9. Coming to the second ground about bona fide reasons, this Court has perused the affidavit filed in support of the application and is satisfied that the reasons assigned by the petitioner appear reasonable to allow the application and to receive the documents. Whether the documents have been submitted by counsel, whether there is evidence, and whether the Court can consider the said evidence are matters for the Court to determine during the course of the trial. The Court will consider the documents and evidence presented before it and base its decision on the facts of the case. At this stage, the Court need not go into that aspect.



10. In view of the aforesaid discussion, this Court is passing the following:

ORDER

- i. The order dated 05.04.2024 passed on IA No.18 in O.S.No.25582/2012 by the LXXIII Additional City Civil and Sessions Judge, Mayo Hall Unit, Bangalore, is ***set aside***. Consequently, IA No.18 stands ***allowed***.
- ii. The plaintiff shall proceed with the suit without causing any further delay. Considering that the suit is of the year 2012, the Trial Court shall proceed with the matter and dispose of the suit as expeditiously as possible, in accordance with law.
- iii. Accordingly, the writ petition is ***allowed***.
- iv. Pending IAs., if any, shall stand closed.

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

SMC
List No.: 1 Sl No.: 1