



CNR: KAHC010230992026

NC: 2026:KHC:37291
CRP No. 314 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 314 OF 2026 (IO)

BETWEEN:

SRI.K.G. SHIVASHANKER,
S/O. GURUSIDDAPPA,
AGED ABOUT 74 YEARS,
R/A. NO. 1421, 11TH MAIN ROAD,
VIJAYANAGAR,
BANGALORE - 560 040.

...PETITIONER

(BY SRI. JAGANNATHAN P., ADVOCATE)

AND:

1. SRI. RAJASHEKARAIHA,
S/O. SHIVAGANGAIAH,
SINCE DECEASED BY HIS LR' S.
SMT. ANNAPURNA,
W/O. LATE RAJASHEKARAIHA,
AGED ABOUT 65 YEARS
2. SRI. H.R. PRATAP,
AGED ABOUT 35 YEARS,
S/O. LATE RAJASHEKARAIHA
3. SMT. H.R. PRIYA,
AGED ABOUT 32 YEARS D/O. LATE
RAJASHEKARAIHA,

AS PER THE PLAINT IN
O.S. NO. 7151/2004
RESIDING AT NO. 37,

Digitally signed
by SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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V. SEETHARAMAIAH ROAD,
CAUVERY BADAVANE,
5TH CROSS, VIJAYANAGAR,
BANGALORE - 560 040.

AS PER I.A. FILED BY LR'S
OF DEFENDANT:
ALL ARE RESIDING AT NO. 36
5TH CROSS, CAUVERY LAYOUT,
NAGARABHAVI MAIN ROAD, VIJAYANAGAR,
BENGALURU - 560 040

...RESPONDENTS

THIS CRP FILED UNDER SEC.115 OF CPC., AGAINST THE
ORDER DATED 24.02.2026 PASSED ON IA NO.10 IN OS
NO.7151/2004 ON THE FILE OF XI ADDITIONAL CITY CIVIL
AND SESSIONS JUDGE, BENGALURU CITY., DISMISSING THE
IA NO.10 FILED UNDER ORDER VII RULE 14 R/W SEC.151 OF
CPC.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order passed on I.A.No.10 in
O.S.No.7151/2004 dated 24.02.2026 passed by XI Addl. City
Civil and Sessions Judge, Bengaluru City, the petitioner/plaintiff
is before this Court.

2. The petitioner herein, who is the plaintiff in the suit,
has filed a suit for specific performance of a contract, i.e., the
Agreement of Sale Deed dated 01.07.2002, directing the



defendants to execute the Sale Deed upon receipt of the balance sale consideration, or alternatively, to pass a judgment and decree for a sum of Rs.2,00,000/-. In the said suit, he had filed an application under Order VII Rule 14 R/w Section 151 of CPC, which was dismissed by the impugned order.

3. While dismissing the application, the trial court observed that the suit is from the year 2004. The plaintiff has already led his evidence and was examined as PW-1. The defendants examined DW-1, and his cross-examination is complete. Thereafter, the matter was posted for final arguments, and by order dated 30.01.2026, the evidence was treated as closed. At this stage, the plaintiff has filed the present application. Under Order VII Rule 14(1) of the CPC, the plaintiff is required to produce documents on which he sues or relies at the time of presentation of the plaint. Sub-rule (3) provides that documents not produced along with the plaint shall not be received in evidence without the leave of the court. The grant of such leave is discretionary, and the party must satisfy the court that, despite due diligence, the documents could not be produced earlier. In the present case, the plaintiff



CNR: KAHC010230992026

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CRP No. 314 of 2026**

has not stated when these documents came into his possession, why they were not produced with the plaint, why they were not produced during his cross-examination, or what prevented him from producing them earlier. The vague statement that the documents are necessary and that DW-1 denied them in cross-examination cannot, by itself, constitute sufficient cause, and the affidavit is silent regarding due diligence.

4. It is submitted that, in the case of the hand, the documents such as the bank statement, relieving memo, and final settlement bill are admittedly personal documents of the plaintiff and were always within his knowledge and custody. No satisfactory explanation has been offered for their non-production earlier. Allowing the application at this stage would necessarily require reopening the plaintiff's evidence, provide an opportunity for further cross-examination, delay the disposal of the suit of the year 2004, and cause prejudice to the defendants, who have already structured their defense based on the existing record. Accordingly, the trial court dismissed the application.



5. Learned counsel appearing for the petitioner submits that, in dismissing I.A. No. 10, the trial court failed to consider the reasons and grounds raised by the petitioner. It is submitted that the trial court ought to have allowed the application, exercising its discretion, and that an opportunity should have been given to establish the petitioner's case and to cross-examine the defendants, without causing prejudice to the defendants. It is submitted that, when considering an application, the court must look to the substantial interests and justice of the parties and cannot dismiss the application in a mechanical manner. In this case, the trial court failed to exercise its discretion.

6. Having heard the learned counsels on either side and perused the material on record, this is the suit of the year 2004 seeking specific performance of the contract, i.e., the agreement of Sale Deed dated 01.07.2002. When the entire evidence was closed, the petitioner filed an application under Order VII Rule 14 R/w Section 151 of the CPC, which was dismissed by the trial court. The documents filed with the trial court are the petitioner's personal documents, which have been in his custody since 2004. Why he has not filed them earlier is



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not explained, and the application is silent on this point. He merely says that the defendant has denied certain suggestions, which is why he wanted to file these documents. That cannot be a ground. The court has discretion and, based on the facts of the case, can grant leave, that does not mean that, merely for the sake of asking, the court will grant it. Particularly in the facts and circumstances of the case, where the suit is from 2004, the trial court rightly dismissed the application, and this court finds no reason to interfere with the order passed by the trial court.

7. Accordingly, this Court is passing the following:

ORDER

- i. Accordingly, the Civil Revision Petition is
dismissed.
- ii. Pending I.As in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS
List No.: 1 Sl No.: 43