



CNR: KAHC010404062021

NC: 2026:KHC:41908
W.P. No.19618/2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 7TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.19618/2021 (GM-CPC)

BETWEEN:

SRI. S.N. BHASKAR REDDY
AGED ABOUT 47 YEARS
S/O SRI. S.N. NARAYANA REDDY
R/AT SURABHI NILAYA
VINAYAKA NAGAR
DOMMASANDRA VILLAGE AND POST
ANEKAL TALUK, BENGALURU -562 125.

...PETITIONER

(BY SRI. SURESH S, ADV., FOR
SRI. ASWATHAPPA D, ADV.,)

AND:

1. SMT. SUGUNA SAMPATH KUMAR
AGED ABOUT 73 YEARS
W/O SRI. SAMPATH KUMAR
R/AT. NO.17, 17TH MAIN ROAD
S R NAGAR, BENGALURU-560 027.
2. SRI. P.N. CHANDRA SHEKAR
AGED ABOUT 51 YEARS
S/O P.V. NANJUNDA RAO
R/AT NO.112, 5TH CROSS
CAMBRIDGE LAYOUT, ULSOOR
BENGALURU-560 008.
3. SRI. K. VIJAYA KUMAR
AGED ABOUT 59 YEARS
S/O LATE KEMPALAH

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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RESIDING AT NO.54/2
BASAPPA ROAD, SHANTHINAGAR
BENGALURU-560 027.

...RESPONDENTS

(BY SRI. H.C. NATRAJ, ADV., FOR C/R1
SRI. M.S. PRAKASH, ADV., FOR R2
R3 IS SERVED)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE COMMON ORDER DTD 28.09.2021, PASSED BY THE XVIII ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU, IN REJECTING THE APPLICATION FILED BY THE PETITIONERS/PLAINTIFF I.E., I.A.NO.13 UNDER ORDER XVIII RULE 17 R/W. SEC.151 OF CPC AND I.A.NO.14 UNDER ORDER 7 RULE 14 R/W SEC.151 OF CPC IN O.S.NO.1854/2011 VIDE ANNEX-A & 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 challenging the order dated 28.09.2021 passed on IA.Nos.13 and 14 in OS.No.1854/2011 by the XVIII Additional City Civil and Sessions Judge, Bengaluru (for short 'the trial Court').

2. Heard Sri.Suresh S., learned counsel appearing for Sri.Aswathappa D., learned counsel for the petitioner, Sri.H.C.Natraj, learned counsel for respondent No.1,



Sri.M.S.Prakash, learned counsel for respondent No.2 and meticulously perused the material available on record.

3. The petitioner filed a suit seeking the relief of specific performance of the agreement of sale dated 21.07.2008 against the respondents herein and for other consequential reliefs. In the said suit, the plaintiff filed IA.No.13 under Order XVIII Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'CPC') seeking to recall PW1 and permit him to mark certain documents and IA.No.14 under Order VII Rule 14 read with Section 151 of the CPC seeking permission to produce documents. The said applications were opposed by the defendants. The trial Court, under the impugned order rejected the applications.

4. A perusal of the applications and the averments made in the affidavits filed in support of both the applications indicate that the plaintiff has deposed that he had produced photocopies of the katha extracts, but he



could not produce the certified copies of the katha extracts. He further stated that he could not produce the bank statement of the period from 01.07.2008 to 31.07.2008, a copy of the reply notice sent by him to the notice dated 05.09.2018 issued by defendant No.1, and the original postal receipt and acknowledgment for having sent the reply notice to defendant No.1; and he came to know the same only during his cross-examination by the counsel for defendant No.1. It is contended that the non-production of the said documents was due to a bona fide mistake and that these documents are necessary for adjudication of the suit.

5. It is to be noticed that the present applications were filed by the plaintiff after an elaborate cross-examination of PW1 had been completed, the defendants had adduced their evidence, and the defendants had also been cross-examined at length. The trial Court taking note of the said aspect has recorded reasons that the attempt



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on the part of the plaintiff to adduce further evidence and produce the said documents was to fill the lacuna in the evidence and to overcome the admissions made during the course of the proceedings. A perusal of the affidavits does not indicate as to why the plaintiff could not produce the sought documents either along with the plaint or at the time of his evidence, as the date of the documents sought to be produced are of the year 2008 and 2018. In the absence of any such explanation or cause in the affidavits, the trial Court has rightly rejected the applications. I do not find any good ground to interfere with the impugned order in the present petition. 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