



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 1209 OF 2025 (GM-CON)

BETWEEN:

1. MRS PHILOMENA RODRIGUES
W/O LATE B E RODRIGUES,
AGED ABOUT 71 YEARS,
R/AT ROSILLA,
NEXT TO TEJASWINI
HOSPITAL KADRI POST,
MANGALURU 575002.
2. BLANY RODRIGUES
S/O LATE B E RODRIGUES,
AGED ABOUT 41 YEARS,
R/AT ROSILLA KEREHITHLOO ESTATE,
GOWDAHALLI POST,
MUDIGERE TALUK,
CHIKMAGALUR DISTRICT PIN 577132

Digitally
signed by
NIRMALA
DEVI
Location:
HIGH
COURT OF
KARNATAKA

...APPELLANTS

(BY SRI. NARAYANA BHAT MOVVAR, ADVOCATE)

AND:

1. STATE BANK OF INDIA
ACB MUDIGERE BRANCH,
REP BY ITS BRANCH MANAGER,
K, M ROAD, MUDIGERE,



CHIKMAGALURU DIST 577132.

2. THE DISTRICT CONSUMERS DISPUTE
REDRESSAL FORUM,
CHIKMAGALUR DISTRICT
REP BY ITS REGISTRAR CUM
ADMINISTRATIVE OFFICER,
NEAR DISTRICT COURT COMPLEX,
CHIKMAGALUR 577101.
3. MR. C L RODRIGUES
S/O A L RODRIGUES
AGED ABOUT 72 YEARS,
R/AT 601, DIVYA PALACE,
UPPER BENDUR
MANGALURU 575002.
4. SHRI D VISHWESHWARA BHAT,
RETD. DISTRICT JUDGE AND
ARBITRATOR, A MAJOR,
NO.401, VARASHREE RESIDENCY,
KADRI-KAMBALA ROAD,
MANGALURU 575004.

...RESPONDENTS

(BY SMT. DIVYA PURANDAR, ADVOCATE FOR R1
SRI. SUDHAKAR PAI, ADVOCATE FOR R3
R2 SERVED AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO ALLOW THIS WRIT APPEAL
BY SETTING ASIDE THE ORDER DATED 01.07.2025 PASSED
BY THE LEARNED SINGLE JUDGE IN WRIT PETITION No.
30595/2024 BY GRANTING ALL THE PRAYERS MADE IN THE
WRIT PETITION WITH COSTS, TO MEET THE ENDS OF
JUSTICE.



THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellants have filed the present appeal impugning an order dated 01.07.2025 passed by the learned Single Judge of this Court in Writ Petition No.30595/2024 (GM-CON).

2. The appellants had filed the said writ petition, *inter alia*, praying as under:

(a) Issue a writ of Mandamus or any other appropriate writ or order or direction holding that the action of the 2nd Respondent in certifying / affixing its seal on

(i) Alleged Legal Opinion dated 17.09.2009 marked as Annexure-D,

(ii) alleged Partnership Deed dated 28.09.1986 produced as Annexures-D1,

(iii) alleged Partnership Deed dated 01.04.1993 produced as Annexures- D2,

(iv) alleged Supplementary Deed dated 16.04.1999 produced as Annexures- D3



as illegal and is opposed to Article 14, 21 and 300-A of the Constitution, to meet the ends of justice.

(b) Issue a writ of Mandamus or any other appropriate writ or order or direction holding that the 2nd Respondent could not have certified the photocopies or documents produced before it which are neither registered nor authentic nor in existence, to meet the ends of justice.

(b) Grant the Petitioners the cost of this proceeding, and

(c) Pass such other order or orders as this Hon'ble Court deems fit in the circumstances of the case,

3. The appellants were essentially aggrieved by an order dated 31.01.2024 passed by the District Consumer Disputes Redressal Commission [**District Commission**], Chikkamagalur, in complaint No.70/2020. It is necessary to note that the appellants were not parties to the said complaint. The said complaint had been filed by respondent No.3 [**complainant**] against respondent No.1 [**SBI**]. Respondent No.3 had alleged deficiency of service on the part of the SBI. She alleged that she was a partner of a firm being M/s Kerehithloo Estate along with B.E.Rodrigues, who has since expired. She called upon the SBI to furnish certified copies of certain documents including a certified copy of the statement of loan account; attested copy of all the loan documents; attested



copy of equitable mortgage deed executed by late B.E.Rodrigues;
and the legal opinion rendered by Sri Sudhir, Advocate, Mudigere.

4. The SBI resisted the said complaint. The District Commission concluded that the complainant had failed to establish the deficiency of service as she had not furnished better particulars in relation to the documents sought. However, the SBI produced a legal opinion, which was exhibited as Ex.R1 and the same was directed to be furnished to the complainant. The complainant had also produced certain documents in support of her claim, which was marked as Exs.P5, P6 and P7 in the said proceedings. The SBI was also directed to furnish an attested copy of the said documents as well. The operative part of the said order passed by learned District Commission reads as under:

Complaint U/s 35 of Consumer Protection Act 2019, filed by
complainant as against opponent is dismissed. No cost.

Opponent is hereby directed to furnish attested copy of
Ex.R.1, Ex.P.5 to Ex.P.7 to complainant within 30 days from
today.

5. The appellants are essentially aggrieved by the said order as according to the appellants, the complainant has secured the



order to assist the complainant in a proceedings relating to *inter se* disputes between the parties. The appellants apprehend that the certified copies of the documents would be used in the legal proceedings. In the aforesaid context, the appellants had filed the writ petition challenging the directions to the SBI to furnish attested copies of the documents although at least three of the documents were exhibited by the complainant and not by the SBI.

6. It is clear that the questions raised relate to the evidentiary value of the said documents. In view of the above, the learned Single Judge had declined to pass any order. However, left it open for the appellants to agitate the said questions before an appropriate legal forum.

7. We find no grounds to interfere with the said order. However, we clarify that all the contentions of the parties are reserved. Clearly, the order passed by the District Commission would not be accepted as conclusively accepting the veracity of the documents produced by the complainant, which are directed to be attested by the bank in a proceedings initiated in which the appellants were not parties.



8. The appeal is disposed of with the aforesaid terms.
9. Pending IAs., if any, stand disposed of.

**SD/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**SD/-
(C.M. POONACHA)
JUDGE**

ND
List No.: 1 SI No.: 10