



CNR: KAHC010499902022

NC: 2026:KHC:41660
W.P. No.21582/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 6TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.21582/2022 (GM-CPC)

BETWEEN:

E. LEONHARD
D/O E. HANS LEONHARD
AGED ABOUT 51 YEARS
R/AT NO.28, GROUND FLOOR
PALACE CROSS ROAD
BENGALURU 560052.

...PETITIONER

(BY SRI. AMIT ANAND DESHPANDE, ADV.,)

AND:

1. SMT. SARITA JAIN
W/O ANIL JAIN
AGED ABOUT 42 YEARS
R/AT NO.28, GROUND FLOOR
PALACE CROSS ROAD
BENGALURU 560052.
2. M/S. EAST INDIA FILM COMPANY PVT LTD
A COMPANY INCORPORATED HAVING ITS
REGISTERED OFFICE AT CALCUTTA
AND ONE OF ITS OFFICES AT
NO.60/2, LAKE ROAD, CALCUTTA
REP. BY ITS AUTHORISED SIGNATORY
AND MANAGING DIRECTOR
MR. UMESH CHAMARIA.

ALSO COULD BE SERVED AT
208, BARTON CENTRE

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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48/1, M.G ROAD
BENGALURU 560 001
REP BY ITS PROPRIETOR
MR. UMESH CHAMARIA.

3. M/S. SUMON ASSOCIATES
HAVING ITS OFFICE AT
208, BARTON CENTRE 48/1
M.G ROAD, BENGALURU 560 001
REP BY ITS PROPRIETOR
MR. UMESH CHAMARIA.

...RESPONDENTS

(BY SRI. KARTHIK N, ADV., FOR
SRI. RAJESH S.V. ADV., FOR R1
V/O/DTD:25.11.2022, NOTICE TO R2 & R3 IS D/W)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED
ORDER DTD.14.9.2022 PASSED ON IA NO.15 TO 17 BY THE
LEARNED XXVI ADDL. CITY CIVIL AND SESSIONS JUDGE AT
MAYO HALL, BENGALURU (CCH-20) IN O.S.NO.25523/2011
VIDE ANNEXURE-Q AND CONSEQUENTLY TO ALLOW IA NO.15
TO 17 IN O.S.NO.25523/2011 VIDE ANNEXURE-F, G, H & 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



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ORAL ORDER

This writ petition is filed challenging the order dated 14.09.2022 passed on I.A.Nos.15 to 17 in O.S.No.25523/2011 by the XXVI Additional City Civil and Sessions Judge, Mayo Hall, Bengaluru (CCH-20) (for short, 'the Trial Court').

2. Heard Sri.Amit Anand Deshpande, learned counsel appearing for the petitioner and Sri.Karthik N., learned counsel appearing on behalf of Sri.Rajesh S.V., learned counsel for the respondent No.1.

3. The petitioner had filed a suit in O.S.No.25523/2011 seeking the relief of permanent injunction against the respondent No.1-defendant. In the said suit, the defendant had filed a detailed written statement. The Trial Court framed the issues. The parties adduced the evidence. When the matter was posted for arguments, the plaintiff filed applications in I.A.Nos.15 to 17 to re-call and re-open the stage from arguments, re-



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call PW-1 for further examination-in-chief and for production of additional documents. The said applications were opposed by the defendant. The Trial Court, under the impugned order, rejected the applications. The gist of the applications is that the plaintiff had filed an application for amendment of the plaint which came to be allowed. Later, the additional issue No.3 was framed on 09.03.2020 and in order to prove the said issue, the plaintiff intended to produce two documents i.e. an application filed by the plaintiff under the provisions of the Right to Information Act, 2005 (for short, 'the Act'), the endorsement dated 25.02.2020 issued by the official of the BBMP and a copy of the private complaint in PCR No.21655/2011. It is to be noticed that in support of the applications, the petitioner has sworn to an affidavit stating that the petitioner had filed an application under the provisions of the Act and the Authorities have issued an endorsement and the said documents were received after the evidence of the plaintiff as well as the defendant, and therefore, it is necessary to



condone the delay and permit for production of the said documents.

4. It is further to be noticed that the defendant filed a written statement in the suit on 23.04.2011. Thereafter, the plaintiff had filed an application seeking amendment of the plaint which was allowed on 09.07.2019. Thereafter, the plaintiff filed an application seeking permission to lead evidence through his GPA holder which also came to be allowed, the GPA holder was examined as PW-1 and the matter was posted for further examination. Again, the plaintiff has sought time on 6 occasions and thereafter, adduced evidence. The defendant adduced evidence on 22.01.2020, she was cross-examined fully by the plaintiff on 11.02.2020 and the case was posted for arguments. The records indicate that the plaintiff had sought time to argue the matter and thereafter, filed an application in I.A.No.12 seeking amendment of the plaint which was allowed and



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thereafter, the matter was posted for arguments on 25.07.2022. Again on 12.08.2022, the plaintiff filed an application seeking to re-call the stage from arguments, sought permission to lead further evidence and mark the documents, which came to be rejected by the Trial Court by recording the reason that there is no explanation whatsoever in the application for the delay and the applications have been filed 10 years after the filing of the suit and there is a delay of more than 2 years even from the date of the documents sought to be produced i.e. RTI application and the endorsement issued by the BBMP. It is also to be noticed that merely because the plaintiff applied for the copies to the BBMP in the year 2020 after a decade of filing of the suit, she cannot contend that the endorsement issued was late and hence, she sought to produce the same in the proceedings when the matter was posted for arguments, which cannot be a good ground to entertain such application.



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5. It is also to be noticed that insofar as the production of private complaint before the Court is concerned, admittedly, it is filed by the plaintiff in the year 2011. In the cross-examination, PW-1 has deposed to the said effect and also stated that the plaintiff has not produced the PCR even though she had an opportunity to produce the same and the reason for non-production of the same immediately after the evidence, is not forthcoming from the affidavit annexed to the application. The affidavit accompanying the application for production of documents and the reason to reopen the stage in further evidence, is bereft of details and filed at the fag end of the proceedings. The Trial Court, considering the aforesaid aspect, has rightly rejected the applications. I do not find any good ground to interfere with the order passed by the Reference Court in the present petition.



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6. Accordingly, I proceed to pass the following:

ORDER

The writ petition is devoid of merits and the same is hereby ***rejected***.

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

RV
List No.: 1 Sl No.: 33