



CNR: KAHC010580152026

NC: 2026:KHC:47729
WP No. 26622 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 26622 OF 2026 (GM-CPC)

BETWEEN:

SMT. S.JAYANTHI
W/O SURESH,
AGED ABOUT 46 YEARS,
R/AT NO.23, KATHA NO.1,
8TH MAIN, SUBRAMANAYAPURA
UTTARAHALI,
BENGALURU-560 061

...PETITIONER

(BY SRI. N.S.BHAT, ADVOCATE)

AND:

1. M/S CANARA BANK
MAHALAKSHMI LAYOUT BRANCH,
181, 1ST MAIN,
MAHALAKSHMI LAYOUT, RAJAJINAGAR,
1ST PLAINTIFF
BENGALORE-560 086,
REPRESENTED BY CHIEF MANAGER

2. SMT. H.B. GOWRAMMA,
W/O SRI RAMA GOWDA,
AGED ABOUT 60 YEARS,
R/AT 5317, MIG PLOTS,
NADHINI LAYOUT,
BENGALURU-560 096

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASHING THE
IMPUGNED ORDER DATED 23-07-2026 INO.S.NO.3969/2021



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ON I.A.NO.V PASSED BY THE COURT OF XVI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU AS PER ANNEXURE-F AND CONSEQUENTLY TO ALLOW 1.A. NO. V FILED BY THE PETITIONER UNDER ORDER XVI RULE 6 R/W SECTION 151 OF CPC, IN O.S. NO. 3969/2021 AS PRAYED FOR.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 23.07.2026 passed in I.A.No.V in O.S.No.3969/2021 by the XVI Additional City Civil and Sessions Judge, Bengaluru, the petitioner/defendant No.2 is before this Court.

2. The respondent No.1 herein, who is the plaintiff, filed O.S.No.3969/2021 for recovery of the amount. In the suit, defendant No.2 filed I.A.No.V under Order XVI Rule 6 of the CPC to direct the Branch Manager, State Bank of India, Uttarahalli Branch, to produce the original cheque bearing No.628797, dated 01.03.2017, for Rs.4,90,000/- drawn on Canara Bank, Mahalakshminagar Branch, as this document is relevant to adjudicate the controversy between the parties. That application was rejected by the trial Court.



3. While rejecting the application, the trial Court observed that the plaintiff's counsel submitted that the facts regarding the issuance of the cheque and its encashment are admitted by the defendant in the written statement and even in the cross-examination of PW.1. Under these circumstances, scrutiny or examination of the original cheque is not required, and the application was accordingly prayed to be rejected. Further, during the cross-examination, both defendants admitted that the amount had been credited to the account of defendant No.2. In such circumstances, summoning the original cheque is not required. It was observed that even if the original cheque is available before the Court, it does not matter, as the plaintiff has already produced a certified copy of the cheque and the issuance of the said cheque and its encashment are admitted. Accordingly, the trial Court rejected the application.

4. Learned counsel appearing for the petitioner submits that, in the facts and circumstances of the case, summoning the Branch Manager to present the said cheque before the Court is necessary. The Court, without considering any of the submissions made on behalf of the petitioner, rejected the



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application. It is submitted that the impugned order needs to be set aside and the application needs to be allowed.

5. Having heard the learned counsel for the petitioner, perused the entire material on record. When the admitted facts need not be proved, the issuance of the cheque and its encashment are admitted facts. In those circumstances, the question of summoning the Branch Manager to produce the original cheque would not arise. The trial Court had rightly considered the matter and passed the order. Hence, this Court is passing the following order:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All I.As. in this petition shall stand closed.

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

MEG
List No.: 1 Sl No.: 38