



CNR: KAHC010715882025

NC: 2026:KHC:52034
WP No. 33584 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 33584 OF 2025 (GM-CPC)

BETWEEN:

1. M/S. RAJYA VOKKALIGARA SANGHA
REGISTERED UNDER SOCIETIES
REGISTRATION ACT,
NO 148, NADAPRABHU KEMPEGOWDA
BHAVANA, K R ROAD, VISVESHAPURAM,
BENGALURU 560004
REPRESENTED BY ITS GENERAL SECRETARY
...PETITIONER
(BY SRI. SUDHANVA D. S., ADVOCATE)

AND:

1. DR R RAJA
S/O LATE RAMAMURTHY C.,
AGED ABOUT 53 YEARS,
R/AT NO 13, 3RD FLOOR,
72ND CROSS, 5TH BLOCK,
RAJAJINAGAR,
BENGALURU 560010
2. B N PREMKUMAR
AGED ABOUT 47 YEARS,
ASSOCIATE PROFESSOR AND PRINCIPAL,
KEMPEGOWDA INSTITUTE OF PHYSIOTHERAPY,
K R ROAD, V V PURAM,
BENGALURU 560004
...RESPONDENTS
(BY SRI KASHINATH J. D., ADVOCATE)

Digitally
signed by
VINUTHA B
S
Location:
High Court
of Karnataka



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO SETTING ASIDE THE IMPUGNED ORDER 27.09.2025 AT ANNEXURE-A PASSED BY THE XXII ADDL. CIVIL JUDGE AND SESSION JUDGE AT BENGALURU (CCH-7) IN IA NO.12 MA (EAT) NO. 07/2024.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

This petition is filed challenging the order dated 27.09.2025 passed on I.A. No.12, whereby the defence/statement of objections filed by the petitioner, who was respondent No.1 before the trial Court, to the main petition, as well as the objections filed to the applications before the trial Court, have been discarded.

2. Respondent No.1 herein filed I.A. No.11 under Order XI Rule 14 of the CPC before the trial Court on 23.07.2025, seeking a direction to the petitioner herein to produce 19 documents, as noted in paragraph No.9 of the impugned order. The trial Court, by order dated 11.08.2025, directed the petitioner herein to produce the documents specified in the



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application. Pursuant thereto, a memo was filed along with the original documents. However, it was stated that the documents at Sl. Nos.3, 4 and 5 had been misplaced and, therefore, could not be produced.

2.1 Under the impugned order, the trial Court discarded the defence/statement of objections filed by the petitioner to the main petition, as well as the objections filed by the petitioner to the applications.

3. Learned counsel appearing for the petitioner submits that, out of the 19 documents, all documents except those at Sl. Nos.3, 4 and 5 have been produced before the trial Court. It is submitted that the documents at Sl. Nos.3, 4 and 5 could not be produced as they were not available in the office of the petitioner. It is further submitted that the said documents were not handed over by the person in charge at the time of his retirement.

4. *Per contra*, learned counsel appearing for respondent No.1 submits that none of the documents listed at Sl. Nos.1 to 19 have been produced before the trial Court. It is further



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submitted that the documents at Sl. Nos.3, 4 and 5 relate to the proceedings of the petitioner-Sangha, and that the petitioner is deliberately avoiding production of the said documents before the trial Court.

5. Considered the submissions made by the learned counsel appearing for the parties.

6. Respondent No.1 filed an application seeking a direction to the petitioner herein to produce 19 documents. The trial Court, in paragraph No.10 of the impugned order, has recorded that the documents at Sl. Nos.6, 7, 16 and 17 were produced along with the memo, and that an affidavit was filed insofar as the documents at Sl. Nos.3, 4 and 5 were concerned, stating that the same were not available. However, there is no material on record, nor any finding in the impugned order, with regard to the production of the remaining documents.

7. Furthermore, the documents at Sl. Nos.3, 4 and 5 relate to the personal files of the employees concerning the punishment imposed by the Executive Committee and the Governing Council. The contention that the said documents



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were not handed over by the person in charge at the time of his retirement is difficult to accept. The petitioner has substantial infrastructure and deals with substantial public funds. It is, therefore, expected to maintain records relating to its proceedings, particularly when the documents in question pertain to the years 2020 and 2023.

8. Moreover, in the cross-examination, it has been admitted that the said documents would be produced if a direction to that effect were issued. The trial Court has issued such a direction. However, the said direction has remained uncomplied with.

9. Order XI Rule 21 of the CPC enables the Court to strike out the defence for non-compliance with an order directing discovery or production of documents. In the present case, there is no corroborative material to substantiate the contention of the petitioner that the documents were never handed over by the person in charge prior to his retirement.



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10. In that view of the matter, this Court finds no error in the order passed by the trial Court warranting interference in exercise of its writ jurisdiction.

Accordingly, the writ petition stands ***dismissed***.

Sd/-
(K. V. ARAVIND)
JUDGE

VP

List No.: 1 Sl No.: 4