



CNR: KAHC010766392025

NC: 2026:KHC:41804
WP No. 35600 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO. 35600 OF 2025 (GM-CPC)

BETWEEN:

SMT G V MYTHRI
D/O. D. GANGADHAR,
W/O. UMESH B.M
AGED ABOUT 42 YEARS,
R/O. NO. 1764/45, 6TH MAIN,
2ND STAGE, D BLOCK,
RAJAJINAGAR, BANGALORE 560 010

...PETITIONER

(BY SRI. SAI SHAKTI, ADVOCATE)

AND:

SRI T RAMAKRISHNA
S/O. LATE THIMMAIAH,
AGED ABOUT YEARS,
R/O. NO. 19, SHREE LAKSHMI
PADURANGANATHA,
SWAMY NILAYA, 18 A CROSS,
MUTHYALANAGARA, MATTIKERE,
BENGALURU 560 054

...RESPONDENT

(BY SRI. RAJARAM GAONKAR, ADVOCATE FOR
SRI. ANANTHARAM G. R, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO SETTING ASIDE THE

Digitally
signed by
BHARATHI S
Location:
HIGH
COURT OF
KARNATAKA



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IMPUGNED ORDER DATED 11.11.2025 IN COM O.S. NO.23/2024 IN DISMISSING THE I.A. NO. 5 AND 6 OF 2025 FILED BY THE PETITIONER UNDER, ON THE FILE OF LXXXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, COMMERCIAL COURT, BANGALORE (CCH NO.83), VIDE ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

1. The present writ petition is filed calling in question the order dated 11.11.2025 passed in Com. O.S. No.23/2024¹ by the LXXXII Addl. City Civil & Sessions Judge, Bengaluru² dismissing I.A.Nos.V and VI.

2. The petitioner/plaintiff filed I.A.V to recall the order dated 11.08.2025 to lead further examination in chief of PW.1 as well as I.A. No.VI to produce the documents mentioned in the list. The plaintiff sought to produce two documents along with I.A.No.VI i.e., an office copy of the legal notice issued by the plaintiff and the re-joinder issued by the plaintiff in response to the reply made by the defendant. The other document that was

¹ hereinafter referred to as the 'impugned order'

² hereinafter referred to as the 'Commercial Court'



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sought to be produced is a copy of the email received by the plaintiff from the structural engineer with attachment detail regarding steel certification. The Commercial Court vide the impugned order has dismissed the applications *inter alia* holding that the plaintiff has not furnished any explanation for non-production of the document at the time of filing of the suit.

3. Learned counsel for the petitioner submits that erroneously a photo copy of the legal notice and re-joinder has been produced and that the office copy of the same are now sought to be produced along with I.A.No.VI.

4. With regard to the e-mail received from a structural engineer, it is sought to be contended that the plaintiff received an e-mail from the structural engineer (Ex.P62) which contains certain attachments whereunder the structural engineer has stated regarding the steel certification. However, the said attachments were stitched separately and was not produced along with the e-mail in sequence and hence, the email attachment was unmarked.



CNR: KAHC010766392025

5. Learned counsel for the respondent/defendant submits that the defendant has no objection for production of office copy of the legal notice dated 18.1.2023 and the re-joinder dated 03.03.2023 since the defendant had replied to the legal notice.

6. With regard to the second document, learned counsel for the respondent-defendant submits that along with I.A. No.6 only copy of the e-mail is produced and the attachment is not produced.

7. Although, it is the vehement contention of the learned counsel for the petitioner that erroneously the attachment was separately, it is forthcoming that even in the plaint, the plaintiff has not averred regarding the attachment. Hence, the plaintiff now cannot be now permitted to produce the same by filing I.A.No.6.

8. In view of the aforementioned, I.A.No.V filed by the plaintiff is allowed and PW1 is permitted to be recalled to adduce further evidence. I.A.No.VI is partly allowed and the plaintiff is permitted to produce the office copy of legal notice



CNR: KAHC010766392025

NC: 2026:KHC:41804
WP No. 35600 of 2025

dated 18.1.2023 as well as the office copy of the re-joinder dated 3.3.2023 that was given in response to the reply of the defendant dated 30.1.2023. The writ petition is partly allowed in the aforementioned terms.

9. Neither the impugned order nor this order will preclude the petitioner from independently adducing evidence with regard to the attachment to the e-mail Ex.P62, if any. All rights of defendant in that regard are kept open, to be adjudicated by the Commercial Court.

SD/-
(C.M. POONACHA)
JUDGE

BS
List No.: 1 Sl No.: 29