HC-KAR

NC: 2026:KHC:59638
WP No. 237 of 2025

CNR: KAHC010003582025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 237 OF 2025 (GM-CPC)

BETWEEN:

1. SRI. H.J. JAMEEL AHMED
   SON OF MR. H.K. ABDUL JALEEL
   AGED ABOUT 74 YEARS,
   RESIDING AT: NO.4/2, 3RD CROSS,
   SONNAPPA BLOCK,
   J.C. NAGAR, BENSON TOWN POST,
   BENGALURU -560046.

...PETITIONER

(BY SRI. JANARDHANA G., ADVOCATE)

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

AND:

1. SRI. B.S. VENKATARAMANA RAO
   @ S.V. RAMANA KUMAR
   S/O THE LATE B.L. SURAPPA,
   AGED ABOUT 76 YEARS,
   R/AT NO.70/58/2, 10TH MAIN ROAD,
   SHAKAMBARINAGARA, J.P. NAGAR 1ST PHASE,
   BENGALURU -560078.

2. SRI. RAJ KUMAR
S/O THE LATE KRISHNA MURTHY,
AGED ABOUT 66 YEARS,

3. SRI. K. RAVI KUMAR
S/O THE LATE KRISHNA MURTHY,
AGED ABOUT 67 YEARS,

RESPONDENTS NO.2 AND 3 ARE
R/AT NO.4, 12TH MAIN ROAD,
SHAKAMBARINILAYA, J.P. NAGAR
1ST PHASE, BENGALURU -560076.

SMT. PADMA
W/O LAE D. MADHAVAN RAO
SINCE DECEASED BY LRS

4. SMT. ASHA M. RAO
W/O OF THE LATE AMRUTHA H.K.,
D/O LATE SMT. PADMA,
AGED ABOUT 54 YEARS.
R/AT NO.24/1 , KSAVANAHALLI,
DODDABALLAPUR TALUK,
BENGALURU RURAL DISTRICT-561203.

5. SMT. SAVITHRAMMA
W/O LATE ANANDA GOPALAN,
AGED ABOUT 72 YEARS,
R/AT NO.25, 33RD MAIN, V CROSS,
DOLLARS SCHEME, BMT 1ST STAGE,
MADIVALA, BENGALURU-560068.

6. SMT. GEETHA DEVI
W/O LATE DEVA RAJ,
AGED ABOUT 66 YEARS,
R/AT NO. OLD MUSAFIRKHANA COMPOUND,
OPP. RAILWAY STATION,
DODDABALLAPUR -561203.

7. SMT. MAHALAKSHMI
W/O LATE M.N. SESHAGIRI,
AGED ABOUT 82 YEARS,
R/AT NO.164/22, 36TH A CROSS,
7TH BLOCK, JAYANAGR,
BENGALURU-560070.

8. SMT. SUMITRAMMA
W/O LATE SATYA MURTHY,
AGED ABOUT 63 YEARS,

9. SMT. REKHA
W/O LATE PRASHANT,
D/O LATE SATYA MURTHY,

AGED ABOUT 41YEARS,

RESPONDENTS 8 AND 9 ARE
R/AT NO. IN 1ST FLOOR, MALIGE,
KEMPANNA COMPOUND,
OLD YELAHANKA TOWN,
BENGALURU -560064.

RESPONDENTS 8 AND 9
PERMANENT ADDRESS:
NO.541/534, SUBASH ROAD,
SRINIVASAPUR TOWN,
KOLAR DISTRICT -563 135.

10. SRI. BHARGAVA
S/O LATE SATYA MURTHY,
AGED ABOUT 38 YEARS,
R/AT NO. PROPERTY NO.541/534,
SUBHASH ROAD,
SRINIVASPUR TOWN,
KOLAR DISTRICT -563 135.

SL. NO. 8 TO 10 ARE PPRESENTLY
R/AT NO.507, 4TH FLOOR,
PYRAMID NORTH SQUARE APARTMENT,
YELAHANKA,
BENGLURU -560 064

SMT. SHANTHAMMA,
WIFE OF THE LATE SURYANARAYANA RAO,
SINCE DECEASED BY HER LRS

11. SMT. S. JAYALAKSHMI
D/O LATE SURYANARAYANA RAO,
AGED ABOUT 62 YEARS,
9-90-1, SHIVAPRIYANAGAR,
YAGUVAKURUVANKA,
KANATHIPAYAM POT,
MADANAHALLI -517345,
CHITTOR DISTRICT.

12. SMT. B. SUNANDA DEVI
D/O LATE SURYANARAYANA RAO,
AGED ABOUT 56 YEARS,
20-3-168 AYYAPPA COLONY,
SHIVAJYOTHINAGAR,
THIRUPATHI -517507.

13. SRI. B. NAGENDRA PRASAD
S/O LATE B. SURYANARAYANA RAO,
AGED ABOUT 63 YEARS,
13-6, JANDAMANU STREET,
PUTTUR-517583
CHITTOR DISTRICT.

14. SMT. JYOTHI G
WIFE OF B.S. VENKATARAMANA RAO,
AGED ABOUT 75 YEARS,
RESIDING AT NO.70/58/2,
10TH MAIN ROAD, SHAKAMBARI NAGAR,
J.P. NAGAR, 1ST PHASE,
BENGALURU -560078.

15. SRI S.A. HIDAYATHULLA,
S/O S.A. RAHAMAN,
AGED ABOUT 60 YEARS,
RESIDING AT ADJOINING AZAD ROAD,
SRINIVASPURA TOWN,
KOLAR - 563 135.

…RESPONDENTS

(BY SRI. G. S. VENKAT SUBBA RAO, ADVOCATE FOR R1;
SRI. T.N. VISHWANATH, ADVOCATE FOR R2 TO R7;
V/O DTD: 20/01/2025 NOTICE TO R8 TO R15 IS DISPENSED WITH)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD. 03.04.2024 PASSED BY THE LXXV ADDITIONAL CITY CIVIL JUDGE, BENGALURU (CCH-76) VIDE ANNX-L IN DISMISSING THE I.A.NO.13 FILED BY THE PETITIONER UNDER ORDER 11 RULE 14 OF CPC IN O.S.NO. 7252/2012 AND AT ANNX-P DTD. 13.12.2024 PASSED BY THE SAID COURT IN DISMISSING I.A.NO. 14 FILED FOR REVIEWING OF THE SAID ORDER AND CONSEQUENTLY ALLOW THE SAID APPLICATIONS AND ETC,.

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

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

ORAL ORDER

The present petition impugns the order dated 03.04.2024 passed on the application filed under Order XI Rule 14 of the Code of Civil Procedure, 1908, as well as the order dated 13.12.2024 passed on I.A. No. XIV, whereby the request for production of the original palupatti was rejected and the application seeking review of the order dated 03.04.2024 was dismissed.

2. The suit is one for partition and separate possession and for a declaration that the sale of the 'C' Schedule property effected by defendant No.1 in favour of defendant Nos.7 and 8 is not binding on the plaintiffs.

3. Learned counsel appearing for the petitioner submits that the petitioner is defendant No.8, who has purchased one of the properties from defendant No.7, who, in turn, had purchased the same from defendant No.1. It is submitted that the entire chain of sale transactions is founded on the allotment of the property in question to defendant No.1 under the original

palupatti dated 11.05.1983. It is further submitted that the property purchased by the petitioner/defendant No.8 is not available for partition.

3.1 Learned counsel submits that the plaintiff is a signatory to the said palupatti and that its execution has been admitted by PW-1 during cross-examination. However, the original document has not been marked in evidence, as it is in the custody and possession of defendant No.1. It is in these circumstances that the petitioner rightly filed an application under Order XI Rule 14 of the Code of Civil Procedure, 1908, seeking production of the said document.

3.2 Learned counsel further submits that, the said document having been referred to in the written statement and forming part of the defence, it ought to have been produced along with the written statement in compliance with Order VIII Rule 1A of the Code of Civil Procedure, 1908. It is contended that the Trial Court, despite recording the necessity of the said document, rejected the application on hyper-technical grounds, observing that the document could be confronted to defendant No.1 when

he produces it. It is submitted that the said reasoning is erroneous and warrants interference.

4. *Per contra*, learned counsel appearing for respondent No.1 submits that the execution and existence of the original palupatti dated 11.05.1983 are not in dispute, as the same has been admitted in the written statement as well as in the objections filed to the application. It is submitted that even if a document is not produced along with the written statement, the same can be produced at a subsequent stage with the leave of the Court.

4.1 It is further submitted that the said document would be produced at the stage of evidence of defendant No.1 and, upon its production, defendant No.8 would be at liberty to confront the same to the plaintiff's witnesses, if so required. It is, therefore, contended that the application is premature. The Trial Court, having rightly noticed the remedy available to the petitioner, rejected the application.

5. Considered the submissions made by learned counsel for the parties and perused the record.

6. The suit is one for partition and separate possession. Defendant Nos.7 and 8 are purchasers of one of the suit schedule properties from defendant No.1. Defendant No.1 has executed the sale deeds on the basis of the allotment of the said property in his favour under the family palupatti dated 11.05.1983. The execution and existence of the family palupatti dated 11.05.1983 are not in dispute. Defendant No.1 has categorically admitted its execution as well as the fact that the original document is in his custody and possession.

7. In the above circumstances, the limited issue that arises for consideration is whether the production of the said document can be directed at the stage of cross-examination of the plaintiff's witnesses. The Trial Court has not recorded any finding with regard to the relevance of the document. Having observed that the document is necessary, the Trial Court nevertheless rejected the application on the ground that the same would be produced at the stage of evidence of defendant No.1. The Trial Court proceeded on the premise that an application under Order XI Rule 14 of the Code of Civil

Procedure, 1908, could be entertained only when defendant No.1 admits the document. In this regard, the Trial Court extracted the relevant provision of Rule 14.

8. It appears that the Trial Court proceeded on the assumption that the execution of the family palupatti dated 11.05.1983 was in dispute. However, the Trial Court failed to notice that defendant No.1 had admitted the execution of the family palupatti dated 11.05.1983 in the written statement as well as in the objections filed to the application impugned herein.

9. Even on a plain reading of Order XI Rule 14 of the Code of Civil Procedure, 1908, it is open to the Court to direct the production of any document which is in the possession or power of a party and relates to any matter in question in the suit. Further, Order VIII Rule 1A of the Code mandates the production of documents on the basis of which the defence is founded. A perusal of the written statement clearly indicates that the defence has been raised on the basis of the family palupatti dated 11.05.1983. In view of the mandate of Order

VIII Rule 1A of the Code, the said document ought to have been produced along with the written statement. In the circumstances, the application filed under Order XI Rule 14 of the Code is maintainable.

10. The Trial Court, without examining the aforesaid aspects and the categorical admission regarding the execution and possession of the document in question, has erroneously rejected the application. The impugned order, therefore, cannot be sustained and is liable to be set aside.

11. Accordingly, the following:

O R D E R

i) The writ petition is ***allowed***.

ii) The order dated 03.04.2024 passed on the application filed under Order XI Rule 14 of the Code of Civil Procedure, 1908, and the order dated 13.12.2024 passed on I.A. No. XIV are hereby set aside.

iii) The application filed under Order XI Rule 14 of the Code of Civil Procedure, 1908, is allowed.

iv) Defendant/respondent No.1 is directed to produce the original palupatti dated 11.05.1983 before the Trial Court on the next date of hearing.

v) In view of the reasons assigned while considering the application filed under Order XI Rule 14 of the Code, no separate consideration of the challenge to the order dated 13.12.2024 rejecting the review application is warranted.

vi) The suit is one for partition and was instituted by the plaintiffs, who were aged between 62 and 70 years as on 2012. Having regard to the age of the plaintiffs and the fact that the suit has been pending for considerable time, this Court deems it appropriate to direct the Trial Court to expedite the disposal of the suit and,

in any event, dispose of the same within an outer limit of two years.

Sd/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 1 Sl No.: 30