HC-KAR

NC: 2026:KHC:65335
WP No. 21727 of 2026

CNR: KAHC010482242026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 21727 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. ERAMALLAPPA
   S/O BILLAMALLAPPA
   AGE ABOUT 57 YEARS
   R/AT KULAKUNTE VILLAGE
   PARASHURAMAPURA HOBLI,
   CHALLAKERE TALUK,
   CHITRADURGA 577538.

2. SMT.SARAWSATHI M.R.,
   W/O GOPALA JOIS
   AGE ABOUT 55 YEARS
   R/AT NO.2, 2ND CROSS,
   IBRAHIM SAHIB LANE,
   SHIVAJINAGAR, BANGALORE 560001

...PETITIONERS

(BY SRI NAVEED AHMED, ADVOCATE)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

AND:

1. SRI. T JANARDHANA
   AGE ABOUT 50 YEARS
   SON OF MR.K.THIMMARAJU,

2. SRI. T.LOKESH,
   AGE ABOUT 45 YEARS
   SON OF MR.K.THIMMARAJU,

3. T.SRINIVASA,
AGE ABOUT 40 YEARS
SON OF MR.K. THIMMARAJU,

4. SRI.K.THIMMARAJU
S/O LATE DASAPPA
AGE ABOUT 72 YEARS
RESPONDENT No.1 TO 4,
ALL ARE R/AT 7TH CROSS,
SARASWATHIPURAM,
TUMKUR TOWN, TUMKUR 572010.

5. SMT. SUNITHA
D/O LATE KRISHNAMURTHY RAO
AGE ABOUT 51 YEARS
R/AT NO.26/1-1, 2ND CROSS
1ST MAIN WATER TANK ROAD,
GORGONTEPALAYA,
BANGALORE 560052

6. SRI. ASHOK
AGED ABOUT 58 YEARS
S/O RAME GOWDA, LAKHSMI NILAYA
1ST A CROSS, MARUTHINAGAR,
TUMKUR 572101

7. SRI. NARASIMHA MURTHY
AGE ABOUT 50 YEARS
S/O LATE VENKATESHAIAH
BILLEPALYA, GUBBI TOWN,
TUMKUR DISTRICT 572216.

8. SRI.H.B.PARAMESHWARIYYA
S/O SRI. BASAPPA
AGE ABOUT 75 YEARS
R/AT NO.47, HALASINGENAHALLI,
MUGANAYAKANAKOTE, TUMKUR 572222

…RESPONDENTS

(BY SRI IYENGAR S VAARADARAJAN, ADVOCATE FOR C/R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 03.07.2026 PASSED ON I.A. NO. XXI IN O.S. NO.71/2021 BY THE LEARNED PRINCIPAL SENIOR CIVIL JUDGE AND JMFC, GUBBI, TUMAKURU DISTRICT, WHEREBY THE APPLICATION FILED BY THE PETITIONERS UNDER ORDER VII RULE 14 READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE AT ANNEXURE A.

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

The present petition impugns the order dated 03.07.2026 passed in O.S. No.71/2021, whereby the application seeking permission to produce documents was rejected.

2. Learned counsel appearing for the petitioners/plaintiffs submits that, in view of the amendment to the plaint, certain documents relating to subsequent developments were required to be brought on record.

2.1 It is further submitted that the impugned order itself records that the documents sought to be produced were obtained from the competent authorities in March 2026. The

application seeking permission to produce the said documents was filed on 10.03.2026.

2.2 It is therefore contended that, when sufficient cause for non-production of the documents along with the plaint is made out, the Trial Court has committed an error in rejecting the application.

3. *Per contra*, learned counsel appearing for the caveator/respondent No.5 submits that the application seeking production of documents, having been filed after a lapse of more than five years, cannot be entertained. It is contended that no sufficient cause has been shown for the delayed production of the documents.

3.1 It is further submitted that the application is vitiated by mala fides. In view of the above, learned counsel submits that the Trial Court was justified in rejecting the application.

4. Considered the submissions made by the learned counsel for the parties and perused the material on record.

5. The suit is one for declaration and permanent injunction. It is evident from the order sheet that the documents sought to be produced were obtained from the competent authorities in March 2026. The application seeking permission to produce the said documents was filed on 10.03.2026.

6. The grounds urged in the affidavit accompanying the application clearly indicate that the documents sought to be produced relate to subsequent events and could not have been identified earlier, despite due diligence. The explanation offered by the petitioners constitutes sufficient cause for permitting production of the said documents.

7. While taking a liberal view in permitting production of additional documents, which may be necessary for effective adjudication of the suit, this Court is conscious of the prejudice that may be caused to the respondents. However, such prejudice can adequately be compensated by imposing appropriate costs.

8. In that view of the matter, the following :

HC-KAR

CNR: KAHC010482242026

NC: 2026:KHC:65335
WP No. 21727 of 2026

O R D E R

I. The writ petition is ***allowed***.

II. The order dated 03.07.2026 passed in O.S. No.71/2021 is hereby ***set aside***.

III. I.A. No.XXI filed under Order VII Rule 14 of the CPC is ***allowed***, permitting the petitioners to produce the documents referred to therein, subject to payment of costs of Rs.10,000/- to respondent No.5/defendant No.3 before the Trial Court.

IV. The Trial Court shall accept the documents only upon production of proof of payment of the aforesaid costs.

Sd/-
(K. V. ARAVIND)
JUDGE

VP
List No.: 1 Sl No.: 13