HC-KAR

NC: 2026:KHC:59924
WP No. 33080 of 2026

CNR: KAHC010719242026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 28TH DAY OF OCTOBER, 2026**

**BEFORE**

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

**WRIT PETITION NO. 33080 OF 2026 (GM-CPC)**

**BETWEEN:**

1. M/S GOKALDAS EXPORTS LIMITED
HAVING ITS REGISTERED OFFICE AT
25, 2ND CROSS, 3RD MAIN,
INDUSTRIAL SUBURB,
YESHWANTHPUR,
BENGALURU - 560 022,
REPRESENTED BY ITS
AUTHORISED REPRESENTATIVE,
SRI K. A. SIVARAMAKRISHNAN,
AGED ABOUT 62 YEARS.

...PETITIONER

(BY SRI. G.B. SHARATH GOWDA.,ADVOCATE)

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

**AND:**

1. TEXTILES SOURCING AND SERVICES PVT LTD
NO. 02, HAYES ROAD,
RICHMOND TOWN,
BENGALURU - 560 025,
REPRESENTED BY ITS MANAGING DIRECTOR,
MR. VENU NAMBIAR (DIN 01877051).

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER DATED 03.09.2026 PASSED BY THE LXXXVIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (COMMERCIAL COURT), BENGALURU CITY (CCH-89) ON I.A. NOS. 11, 12 AND 13 IN COM O.S. NO. 215/2024, PRODUCED AS 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 is filed impugning the order dated 03.09.2026 passed in Com.O.S. No. 215/2024, whereby I.A. No. 11, filed under Section 151 of the Code of Civil Procedure, I.A. No. 12, filed under Order XVIII Rule 17 of the Code of Civil Procedure, and I.A. No. 13, filed under Order XI Rule 1(10) of the Code of Civil Procedure, as amended by the Commercial Courts Act, read with Order VII Rule 14 of the Code of Civil Procedure, came to be rejected.

2. Learned counsel for the petitioner submits that applications were filed seeking permission to place on record the email communications dated 15.03.2019 and 27.03.2019, which had not been produced earlier as the said documents

were not within the petitioner's custody. It is submitted that the said documents constitute email correspondence between the plaintiff and the defendant and were retrieved at a later stage from the database, having formed part of archived electronic records, internal operational data, or records maintained by third parties.

2.1 It is further submitted that the Commercial Court rejected the applications without considering the fact that the documents sought to be produced came into the petitioner's possession only after the completion of evidence.

3. Considered the submissions made by the learned counsel for the petitioner and perused the impugned order.

4. Before examining the reasons assigned by the Commercial Court, it is relevant to consider the affidavits filed in support of the applications.

5. In the application seeking to reopen the case and permit P.W.1 to adduce further evidence, it is stated in paragraph No. 5 that the email communications exchanged between the plaintiff and the defendant were not produced in evidence due

to inadvertence. Similarly, in the application seeking recall of the order dated 17.10.2025, it is reiterated that the email correspondence was not produced due to inadvertence.

6. Contrary to the aforesaid averments, in the application seeking leave to produce additional documents, it is stated that the additional documents were noticed while preparing for arguments and that the correspondence sought to be produced could not be produced along with the plaint despite the exercise of due diligence. It is further stated that the documents were subsequently retrieved from electronic records.

7. The reasons assigned for the non-production of the documents in the respective applications are contradictory. Even if the explanation regarding the retrieval of the documents from electronic records is examined, the averments in paragraphs Nos. 5 and 6 of the affidavit filed in support of I.A. No. 13 are inconsistent. While paragraph No. 5 states that the non-production of the email correspondence was noticed while preparing for arguments, paragraph No. 6 states that the documents came into the possession or knowledge of the petitioner and were retrieved from electronic records.

8. The date on which the email correspondence was retrieved is not stated in the application. The reasons assigned prima facie indicate that the documents sought to be produced were within the knowledge and possession of the petitioner. In the circumstances, having regard to the strict procedural requirements applicable to commercial suits, the Commercial Court was justified in rejecting the applications.

9. This Court finds no error or infirmity in the impugned order warranting interference in the present writ petition.

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

**SD/-**
**(K. V. ARAVIND)**
**JUDGE**

VP