HC-KAR

NC: 2026:KHC:61964
WP No. 33330 of 2026

CNR: KAHC010721292026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 33330 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. SUNIL K
   AGED ABOUT 39 YEARS,
   S/O SRI. N. KUMAR,
   RESIDING AT NO. 32/2,
   1ST MAIN ROAD, 2ND CROSS,
   MALLATHAHALLI, BENGALURU - 560 056.

2. SRI. NARAYANA.K.
   AGED ABOUT 34 YEARS,
   S/O SRI. N. KUMAR,
   RESIDING AT NO. 32/2,
   1ST MAIN ROAD, 2ND CROSS,
   MALLATHAHALLI, BENGALURU - 560 056.

...PETITIONERS

(BY SRI. SREEDHAR N.G, ADVOCATE)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

AND:

1. SRI. N. KUMAR
   AGED ABOUT 60 YEARS,
   S/O LATE NARAYANAPPA,
   RESIDING AT NO. 32/2,
   1ST MAIN ROAD, 2ND CROSS,
   MALLATHAHALLI, BENGALURU - 560 056.

2. SRI. K. ANIL KUMAR,
AGED ABOUT 33 YEARS,
S/O N. KUMAR,
RESIDING AT NO.276,
12TH A CROSS, HOYSALA NAGAR,
SUNKADAKATTE, VISHWANEEDAM POST,
BENGALURU - 560 091.

3. SMT. ASHA K,
AGED ABOUT 34 YEARS,
W/O SRI. SHIVA KUMAR G,
RESIDING AT NO.272, 12TH A CROSS,
HOYSALA NAGAR, SUNKADAKATTE,
VISHWANEEDAM POST, BENGALURU - 560 091.

4. SMT. GOWRAMMA,
MAJOR IN AGE,
W/O SRI. L. RAMEGOWDA,
BYRAVESHWARA GARTHIGE SHOP,
NEAR MUTHURAYA SWAMY TEMPLE,
SUNKADAKATTE MAIN ROAD,
VISHWANEEDAM POST,
BANGALORE - 560 091.

5. SRI. ANANTHARAJU,
AGED ABOUT 57 YEARS,
S/O SRI. NARASIMHAIAH,
GANGADHARAPPA COMPLEX,
MAGADI MAIN ROAD, SUNKADAKATTE,
VISHWANEEDAM POST,
BANGALORE - 560 091.

6. SRI. GOPALAKRISHNE GOWDA,
AGED ABOUT 42 YEARS,

S/O SRI. JAVEREGOWDA,
BEECHANAHALLI PURA HOBLI,
DOBBEGATTA HOBLI, BENKANAKERE POST,
TURUVEKERE TALUK,
TUMAKURU DISTRICT - 572 227.

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO-I) TO ISSUE WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI SO AS TO QUASH THE ORDER DATED. 9/4/2026 (ANNEXURE-E) ON I.A.NO.21 IN O.S.NO.4353/2017 PASSED BY THE HONBLE 1ST ADDL. CITY CIVIL AND SESSIONS JUDGE AT BENGALURU (CCH-02) AS ILLEGAL, UNJUST AND UNCONSTITUTIONAL, BY ALLOWING SAID I.A. NO.21 (ANNEXURE-C) IN O.S.NO.4353/2017 FILED BY THE PETITIONERS AND ETC.,

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 calls in question the order dated 09.04.2026 passed on I.A. No. 21 in O.S. No. 4352/2017 by the I Additional City Civil and Sessions Judge, Bengaluru (CCH-2), whereby the application filed under Order XI Rule 14 of the Code of Civil Procedure, 1908, seeking a direction to defendant

Nos. 2 and 3 to produce the documents referred to therein, came to be rejected.

2. Learned counsel appearing for the petitioner submits that, though certified copies of the documents in question are already part of the Court record, defendant Nos. 2 and 3, in the course of their cross-examination, have categorically admitted that they would take necessary steps to secure the original documents from the records in O.S. No. 3933/2005 and produce the same before the Trial Court. However, since defendant Nos. 2 and 3 failed to take the necessary steps and produce the original documents, the petitioner was constrained to file the application, as the said documents are within the power and possession of defendant Nos. 2 and 3.

3. It is further submitted that the mere pendency of R.F.A. No. 1794/2016 before this Court cannot constitute a ground to decline to exercise the jurisdiction vested in the Trial Court to direct the production of the original documents.

4. Considered the submissions made by learned counsel for the petitioner and perused the impugned order and the material on record.

5. The application filed by the petitioner has been rejected by the Trial Court on two grounds. Firstly, certified copies of the documents, which carry presumptive value, are already available on record before the Trial Court. Secondly, the original documents form part of the records in O.S. No. 3993/2005, in respect of which R.F.A. No. 1794/2016 is pending before this Court.

6. Even if the records in question form part of another suit, there is no legal impediment to the Trial Court summoning such documents for the limited purpose for which they are required. The mere availability of certified copies cannot, by itself, constitute a ground for refusing to summon the original documents, particularly when specific grounds have been made out demonstrating the necessity of securing the originals.

7. It is well within the jurisdiction of the Trial Court, upon an appropriate application being made, to summon

documents forming part of other judicial proceedings for the purpose of adjudicating the dispute before it. This would hold good even if the records in O.S. No. 3993/2005 have already been summoned by this Court in R.F.A. No. 1794/2016. This Court finds no legal impediment to securing the said documents for the purpose stated in the application.

8. In that view of the matter, this Court finds no error in the impugned order warranting interference. However, liberty is reserved to the petitioner to file an appropriate application before the Trial Court seeking summoning of the original documents forming part of the records in the disposed suit in O.S. No. 3993/2005.

9. It is made clear that, notwithstanding the fact that the records in O.S. No. 3993/2005 are presently before this Court in R.F.A. No. 1794/2016, if the Trial Court makes a request for summoning the said documents, the Registry shall take necessary steps to make the documents available to the Trial Court for the purpose indicated therein.

10. Subject to the aforesaid observations and the liberty reserved, the writ petition stands ***disposed of***.

SD/-
(K. V. ARAVIND)
JUDGE

VN
List No.: 2 Sl No.: 4