

KABC170010112023



**IN THE COURT OF LXXXIV ADDL. CITY CIVIL &
SESSIONS JUDGE, AT BENGALURU (CCH-85)
(Commercial Court)**

THIS THE 14th DAY OF NOVEMBER 2025

PRESENT:

**SRI. ANAND T. CHAVAN. B.Com.,LL.B.(Spl.)
LXXXIV ADDL. CITY CIVIL & SESSIONS JUDGE,
BENGALURU.**

Com.OS.No.504/2023

Plaintiff:- Food Karnataka Limited,
A Company Incorporated under the
Companies Act, 1956, having its
Registered Office at No.17, General
K.S Thimmayya Road, (Richmond
Road), Bengaluru-560 025.
Rep by its Managing Director,
Mr. K. Mohammed Irfan.

(Rep by Sri. Kiran V Ron -Adv)

V/s

Defendants:- 1. M/s Akshay Food Park Ltd.,

A Company incorporated under the Companies Act, 1956, having its Registered Office at No.1091, First Floor, Sampanappa Trust, OTC Road, Bengaluru-560 002.

& Also at: No.58/59, Karishma Farms, Gubbalala, Subramanya Post, Kanakapura Road, Bengaluru-560 061.

AND OTHERS.

(Rep by PNR -Adv)

PARTIES TO IA.NO.X

**Applicant/
Plaintiff:**

Food Karnataka Limited

V/s

**Respondents/
Defendants:**

M/s Akshay Food Park Ltd., & Ors.,

(i)	Provisions under which the application is filed	U/Or.XI Rule 1(5) of CPC As amended by the Commercial Court Act.
(ii)	Relief sought for	Seeking permission to produce the documents.
(iii)	The date on which the application is filed	25.09.2025
(iv)	Number of the application	1

(v)	The date on which the objection is filed by opponents	Nil
(vi)	The date on which the orders were passed on the said application	14.11.2025

ORDER ON IA No.X

The plaintiff has filed above application Under Order XI Rule 1(5) of CPC as amended by the Commercial Courts Act, seeking to produce the following additional documents in evidence.

Sl.No.	Particulars	Page No.
1.	Minutes of the 80 th meeting of the Board of Directors of the Plaintiff Company held on 13.08.2025.	
2.	Minutes of the 68 th meeting of the Board of Directors of the Plaintiff Company held on 03.08.2025.	
3.	Minutes of the 75 th meeting of the Board of Directors of the Plaintiff Company held on 08.08.2025.	
4.	Letter dtd.06.09.2019 addressed by the plaintiff to the defendant regarding Repayment of interest free unsecured loan.	
5.	Reminder letter dtd.04.10.2019 addressed by the plaintiff to the defendant regarding repayment of the loan.	
6.	Reminder Letter 2 dtd.28.01.2020 addressed by the plaintiff to the defendant regarding repayment of the loan.	
7.	Legal notice dtd.01.09.2021 addressed by the plaintiff to the defendant.	
8.	Letter dtd.26.06.2024 addressed by the plaintiff to the	

	Agricultural Secretariat.	
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2. It is averred in the affidavit of Managing Director of plaintiff company filed in support of above application that, the present suit is filed for recovery of loan advanced to defendants and defendants have filed their written statement. Defendants had also filed applications for amendment of written statement and production of documents in IA No.6 and 7. The Court vide order dtd.20.06.2024 (which appears to be 20.07.2024) allowed said applications. Subsequently issues are framed and suit is posted for plaintiff evidence. At the time of filing of above suit photocopies of some documents are produced and originals of such documents are now being produced for marking in evidence. The plaintiff is also producing some Board Resolutions, minutes of board meeting and some letters. The production of said documents necessitated on account of defence raised by defendants in written statement. The defendants are relying upon study published by NABCONS and said document is only a draft and not final report of

NABCONS. Hence in order to prove the said fact before court, it is necessary to produce proposed documents. Further filing of present application is necessary in pursuant to order dtd.20.07.2024 and in order to prove that the draft produced by defendants is not binding upon plaintiff, if application is not allowed plaintiff will be put to irreparable injury, since defendants are trying to mislead the court by producing above document, which is only a draft and not final report. No prejudice will be caused to other side, if application is allowed. These amongst other grounds, it is prayed to allow the application.

3. Despite sufficient opportunity, defendants have not chosen to file objections to above application and as such same is taken as not filed.

4. The following points arise for consideration:

1. Whether plaintiff has made out grounds to permit production of proposed documents enclosed with IA No.10?

2. What order?

5. Heard arguments of counsel for plaintiff. Perused materials on record.
6. The following are findings on above points:

Point No.1:- In the Affirmative.

Point No.2:- As per final order for following:-

REASONS

7. **Point No.1:-** Plaintiff has filed present suit against defendants for recovery of Rs.6,48,50,000/- together with interest at the rate of 12% pa., and costs. The plaintiff has sought for recovery of sums advanced as a loan under loan agreement dtd.23.05.2007 and plaintiff has also invoked the deed of guarantee dtd. 23.05.2007 executed by defendant Nos.2 to 4 in favour of plaintiff. Further plaintiff has stated in Para No.10 of plaint that, as per Clause 2.3 of loan agreement, defendants had to repay the loan in 40 quarterly equivalent terms with moratorium of 10 years from the date of disbursement of first installments. On the other hand,

defendants in their common written statement have admitted the borrowing of loan and fact that the loan has not been repaid.

8. Further in this case defendants have taken specific defence that, defendant No.1 was put into an inevitable situation to accept interest free unsecured loan with repayment period from 20 years to 10 years plus interest on default and defendants were not made known about General Financial Rules (GFR) and they were misled by officials of plaintiffs, State Government and Central Government. Further defendants have specifically contended that non-payment of loan amount was due to assurance of plaintiffs to get aforesaid interest free loan converted back to state grant after easing of General Financial Rules during next financial year. However, same was not done as assured by plaintiff. Apart from various defences raised in it's reply, defendants have contended in para No.7(a) of their amended Written statement that, plaintiff has got released their revised "study of state sponsored Food Parks in Karnataka" impact assessment by NABCONS

(NABARD Consultancy Services Limited) and photocopy of screenshots from website published is produced by defendant under IA No.7 in support of its various contentions raised in written statement. This court has allowed aforesaid amendment of written statement under IA No.6 and production of NABCONS report under IA No.7 as per order dtd.20.07.2024. Hence now in order to prove that the aforesaid NABCONS Report is just a draft copy, plaintiff intends to produce aforesaid additional documents.

9. Further plaintiff has stated that, copies of some of documents were already produced and now they intend to produce originals of such documents for marking purpose. Further the other documents appears to be board resolutions, which may be ancillary to earlier documents. Hence it shows that, the production of above documents appeared to be necessary on part of plaintiff in view of subsequent defence taken by defendants by amending its written statement and by producing additional document under IA No.6 and 7. The aforesaid averments are not challenged and disputed by defendants by filing their

objections to present application. Moreover as per Order XI Rule 1(5) of C.P.C. in it's application to Commercial Disputes, plaintiff may be permitted to produce additional documents to answer any case setup by defendant, even subsequent to filing of plaint and Court may allow the production of such documents at later stage, if plaintiff establishes reasonable cause for non disclosure of such documents with plaint. Hence sufficient grounds are made out by plaintiff to allow production of above documents. The delay caused to other side may be compensated by means to suitable costs. Accordingly, **Point No.1 is answered in the affirmative.**

10. Point No.2:- For the reasons stated and findings given on point No.1, following is:

ORDER

**IA No.X filed by plaintiff Under
Order XI Rule 1(5) of CPC, as
amended by the Commercial Courts**

Act, is hereby allowed, on cost of Rs.1,000/- .

Subject to payment of cost, plaintiff is permitted to produce additional documents enclosed with I.A.No.10 and said documents are taken on record.

[Dictated to the Stenographer Grade-III, directly on the computer, typed by her, then corrected and signed by me and pronounced in the Open Court, dated **this the 14th day of November 2025**]

(ANAND T. CHAVAN)

LXXXIV Addl.City Civil & Sessions Judge,
Bengaluru.