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

THIS THE 22nd DAY OF AUGUST 2025

PRESENT:

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

Com.OS.No.1426/2024

Plaintiff:-

Quin Bay Technologies Pvt Ltd,

A company incorporated under
Companies Act, having its registered
office at N3, 27, Park Avenue,
24th Main, 11th Cross, HSR Layout
Sector-1, Bengaluru- 560 102.

Rep by its Authorized Signatory
Mr. Krishna Kumar S,

(Rep by G V Shantha -Adv)

V/s

Defendant:- Refurb Mac World,

A Partnership firm having registered office at #20/1, First Floor, Ganesh Block, 4th Cross, Dinnur Main Road, RT Nagar, Bengaluru-560 032.

Rep by its Partners

1. Mr. Sagar V,
Aged about 27 years,
S/o Vishwanatha. V

2. Lakshmi. C
Aged about 55 years,
W/o Vishwanatha V.

**(Rep by CS -Adv for D2)
(D1- Exparte)**

PARTIES TO IA.NO.III**Applicant/
Plaintiff:**

Quin Bay Technologies Pvt Ltd,

V/s

**Opponent/
Defendant:**

Refurb Mac World

(i)	Provisions under which the application is filed	IA No.III- U/Or.XI Rule 1(5) of CPC
(ii)	Relief sought for	Seeking permission to produce documents.

(iii)	The date on which the application is filed	28.06.2025
(iv)	Number of the application	1
(v)	The date on which the objection is filed by opponents	By Defendant on 10.07.2025
(vi)	The date on which the orders were passed on the said application	22.08.2025

ORDER ON IA No.III

The plaintiff has filed present application Under Order XI Rule 1(5) of CPC seeking to produce following additional documents:-

1. GST Certificate of the defendant.
2. Whatsapp conversation of plaintiff Employee Ganapath Sharma and Defendant.
3. GST search result of the defendant.

2. It is averred in the affidavit of authorized signatory of plaintiff filed in support of above application that, after service of summons, defendant did not appear and it was placed exparte. Thereafter plaintiff led evidence and matter was posted for arguments. At that stage defendant represented by

it's partner Smt. Lakshmi C filed application seeking permission to file Vakalath followed by written statement. Said partner of defendant Smt. Lakshmi C filed written statement denying to be partner of the defendant and hence not liable to pay any amount. The plaintiff searched for available records of defendant and found its GST certificate. The said certificate shared by partner of defendant by name Sagar V (son of Smt. Lakshmi C) with employee of plaintiff by name Ganapath Sharma along with quotation and pan card prior to placing order for Mac book laptops. Plaintiff had forgotten about said documents shared by employee of defendant and hence same was not shared with their advocate at the time of filing of the suit. Now the said documents are produced along with whatsapp conversation between above employee of plaintiff and partner of defendant Sagar V. Further the cause for production of above documents arose when the above partner Smt. Lakshmi C denied to be partner of defendant. These amongst other grounds, it is prayed to allow

application.

3. The defendant No.2 has filed her objections to above application, wherein it is averred that, the application is not maintainable, same is liable to be dismissed. It is further averred that, the plaintiff has not approached the court with clean hands and it has suppressed material facts. The said defendant has denied entire averments of affidavit of plaintiff's representative with regard to sharing of above documents by partner of defendant No.1 Mr. Sagar V to the employee of plaintiff. It is further averred that plaintiff has filed a false case against defendant No.2 and it has failed to produce proper and original documents at the time of filing of the suit instead of photocopies. Further plaintiff failed to provide prior intimation to defendant No.2 and the above documents do not bear signature of defendant No.2. It is further averred that defendant No.2 is not partner of partnership firm and plaintiff has deliberately failed to produce certified copies of such deed of defendant No.1. Further the documents

allegedly sent in the year 2021 and same is relied upon by plaintiff now without proper verification of the partnership structure. These amongst other grounds, it is prayed to reject application.

4. The following points arise for consideration:

1. Whether plaintiff has made out grounds to permit production of additional documents, as prayed for in the application?

2. What order?

5. Heard arguments of counsel for plaintiff. Counsel for defendant No.2 has filed memo dtd.29.07.2025 seeking to consider the objections of said defendant to above application as their arguments. Perused records.

6. The following findings are on above points:

Point No.1:- In the affirmative

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

REASONS

7. **Point No.1:-** The plaintiff has filed present suit against defendant for the relief of Rs.40,71,908/-

and along with future interest of 24% from the date of suit till the date of recovery of the decree amount. It is specific case of plaintiff that, it had placed order with defendant for supply of 50 Apple Mac Pro laptops and transferred sum of Rs.81,94,050/- as a consideration amount. Further defendant failed to supply said laptops and on cancellation of aforesaid purchase order by plaintiff, defendant returned part amount so paid towards above laptops by retaining outstanding amount of Rs.29,94,050/-. It further shows that despite service of summons defendant partnership has remained absent and it has been placed exparte. However subsequently defendant No.2 Lakshmi C, who is arrayed as one of partner of defendant firm has appeared in the case and filed her written statement by specifically contending that she is not related to defendant firm and she is not liable to pay the amount.

8. Now in view of aforesaid defence taken by defendant No.2, the plaintiff has produced aforesaid documents which are said to have been shared by

other partner of defendant by name Sagar V to the employee of plaintiff. The said documents reveal that the name of both partners including Lakshmi C is mentioned as partners of defendant firm. Hence it clearly shows that the aforesaid documents are vital for effective adjudication of matter in dispute between parties. Moreover, the admissibility of documents has to be considered at the time of trial and the grounds urged by plaintiff are sufficient to believe that plaintiff had valid reason for non production of aforesaid documents at earlier stage and same are required in support of case of plaintiff in view of subsequent defence taken by above parter of defendant. Hence sufficient grounds are made out by plaintiff to allow the application. Accordingly, **Point No.1 is answered in the affirmative.**

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

ORDER

**IA No.III U/Or.XI Rule 1(5) of
CPC filed by plaintiff is hereby
allowed.**

**The documents enclosed with
IA No.III are taken on record
subject to admissibility of said
documents in evidence.**

No order as to costs.

[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 22nd day of August 2025**]

(ANAND T. CHAVAN)
LXXXIV Addl.City Civil & Sessions Judge,
Bengaluru.