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**IN THE COURT OF LXXXII ADDL.CITY CIVIL &
SESSIONS JUDGE, COMMERCIAL COURT, BENGALURU
(CCH-83)**

**PRESENT: SRI. VIDYADHAR SHIRAHATTI, L.L.M.,
LXXXII ADDL.CITY CIVIL & SESSIONS
JUDGE,
BENGALURU.**

Com.O.S.No.207/2019

Dated on this 09th Day of July 2025

IA No. 13

plaintiff

**M/s Reserve Bank of India Staff
and Others Co-operative Housing
Society Limited.**

// versus //

Defendants

Ganesh Shanbhogue.

ORDERS ON I.A. NO. 13

The Defendants filed this application under Order XI Rule 1 (10) read with Section 151 of CPC for production of Certified Copy of the Sale Deed dated 23.01.2010, Certified Copy of the Sale Deed dated 23.01.2010, Certified Copy of the Absolute Deed dated 26.07.2012, Certified Copy of the Absolute Sale

Deed dated 10.08.2012, Certified Copy of the Claim Petition in A.C. No. 135/201, Deposition in O.S. No. 144/2017 on the file of Principal Civil Judge, Magadi and Pendrive.

2. In accompanying affidavit the Defendants stated on oath that, the Certified copies of the documents were not readily available at the time of filing the suit, since the same were issued by the concerned authorities, subsequent to filing of written stated in the said suit. The sale deed that are intended to be produced are crucial to decide the actual dispute between the plaintiff's and Defendants and to conclusion of the case it is necessary to produce the documents in the stage of cross-examination of PW.1 and he has intentionally not revealed the truth. The examination in chief and cross-examination of PW.1 in O.S. No. 144/2017 on the file of the Principal Civil Judge, Magadi, was subsequent to the proceedings in the suit which are relevant to this case. The Claim petition in A.C. No. 135/2015 is produced to considered one of the issues framed by this court. However, the defendant also already filed Certified Copy of the said Claim Petition. Hence application filed by the Defendant prays to allow the application.

3. Per contra, the Plaintiff has filed detailed objection stated that, the defendant has not stated anything about the relevance of Document No.7 and other documents along

with application, affidavit is not maintainable as the defendant has failed to establish the relevance of the documents. The Defendant has not explained why he has not produced along with written statement. Under these circumstances, the Plaintiff is prayed to dismiss the application.

4. I have heard the arguments of the learned advocate for the Plaintiff and the Defendants.

5. Based on the contentions of the respective parties, submissions made by the learned Advocates for both parties, I formulate the following Points for my consideration:-

1. Whether the Defendant has made out grounds to allow the application ?
2. What Order?

6. My findings are as follows:-

Point No. 1: - In the Negative.

Point No. 2: - As per my final orders for
the following reasons.

REASONS

7. Point No. 1: - The application was filed by the Defendant for production of certain documents. The defendant has filed a Certified copy of 2 Sale Deeds dated 23.1.2010 and obtained certificate dated 05.09.2017, and the obtaining of the Absolute Sale Deed was not mentioned, even though the said deed was registered on 10.08.2012. This Sale deed was already produced before the Principal Civil Judge, Magadi, in A.C. No. 135/2015. The certified copy of the petition was produced on a date that was not mentioned, and the date of filing the petition on 05.12.2015. The deposition in O.S. No. 144/2017 before Principal Civil Judge, Magadi was submitted, those deposition deposed witnesses on various dates. But the last date is 01.06.2023. However, all the documents except the deposition are all prepared for filing of the written statement. The written statement was filed by the Defendant on 22.01.2020, and the deposition is in the year 2023. But the Defendant is seeking relief for filing this application on 09.01.2025, and there is an order to delay more than 1 year. The Defendant has not explained the delay caused to file the application.

8. It is bounden duty of the Defendant as per Order 11 Rule 1 (10) to file along with Written statement. if he has not produced, he should seek permission from the court to file the documents within 30 days as per Law provided. But he has not sought and filed this application without explaining the difficulties in producing the above documents along with a written statement. Therefore, at this stage, the defendant has not made out any grounds to allow the application as this time is delayed and there is no proper reason to allow the application. Hence, I answer this point in the **Negative**.

9. Point No.2 : Accordingly, I pass the following;

ORDER

The I.A. No.13 filed by the Defendant under Order 11 Rule 1 (10) read with Section 151 of CPC is hereby dismissed.

(Dictated to the Stenographer, typed by her, verified and corrected by me and then pronounced by me in open Court on this the **09th day of July 2025**).

**(VIDYADHAR SHIRAHATTI),
LXXXII Addl.City Civil & Sessions Judge,
Bengaluru.**