

KABC170094712020



**IN THE COURT OF LXXXII ADDL.CITY CIVIL &  
SESSIONS JUDGE, COMMERCIAL COURT,  
BENGALURU (CCH-83)  
PRESENT: SRI. VIDYADHAR SHIRAHATTI, LL.M.,  
LXXXII ADDL.CITY CIVIL & SESSIONS JUDGE,  
BENGALURU.**

**Com.O.S.No.8994/2011**

**Dated on this 04<sup>th</sup> Day of March 2026**

**Plaintiff                      M/s        weP        Peripherals  
   Limited.**

**// versus //**

**Defendants                      Electronics and Controls Power  
   Systems Private Limited and  
   Others.**

**ORDERS ON I.A. NO. 40**

The Defendant No.2 to 5 are filed this application under Order XI Rule 5 read with Order XI Rule 1 (7) of CPC read with Section 151 of CPC, 1908 read with Section 165 of Bharatiya Sakshya Adhinyam, 2023 for seeking an

issue of notice to the plaintiff to produce documents and consequently seeking a direction to the plaintiff to produce the original documents which is in the power, custody, possession and authority of the plaintiff/Mr. C.S. Hemachandra. In this case to answer the case setup by the plaintiff and passed such other orders.

**2.** The Plaintiff has filed detailed objection and seeking a dismissal of the application by imposing heavy exemplary cost.

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

**4.** 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 Defendants No.2 to 5 have made out grounds to allow the application ?

2. What Order?

**5.** My findings are as follows:-

Point No. 1: - In the **Negative**.

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

### **REASONS**

**6. Point No. 1:** - The Defendant No.2 to 5 have filed this application for seeking a issuance of notice to the plaintiff to produce list of employees of Plaintiff company as of 18.10.2019, From No. 16 under Income Tax Act, 1961 issued Plaintiff Company to PW.1 in the year for the year 2013-14 to 2020-21, for tax deducted at source, From No. 16 under Income Tax Act, 1961 as received by Pw.1 in respect of years 2013-14 till 2020-21 reflecting the salary/remuneration received by Pw.1, Standalone Annual Report of plaintiff company for the years 2019-20 till 2024-25. Wherein, the alleged claim amount does not appear at all as contrary to the deposition of PW.1, Hypothecation agreement dated 04.01.2019, Resolution of board dated 04.01.2019, Power of Attorney dated 03.08.2015, Board resolution dated 25.7.2015, Copy of plaint in original suit No. 3122/2017, Power of Attorney issued to PW.1 in 2013, Power of Attorney issued to Pw.1 in 2017 and Board resolution for allotment of shares. It is stated that, the said documents are relevant to the subject matter in question of suit and are relevant in

answer to the case setup by the plaintiff, subsequent to the filing of the plaint.

**7.** The plaintiff has objected said application and has taken a contention that, the defendants have already filed similar application seeking production of documents and therefore the said application was rejected. The PW.1 has also extensively stated when the defendant was cross-examined. The Defendant No. 2 to 5 were not produced any document along with their written statement and have also stated that, have any of the documents are not in possession by them. Therefore, there is no any grounds mentioned to allow the application. Hence, prayed to reject the application by imposing exemplary cost.

**8.** It is noted point that, the defendant No.1 has filed application i.e., I.A.No.25 under Section 151 of CPC to struck off the evidence of PW.1 has the said witness seized to represent the plaintiff on and after 09.08.2020 for further examined by Defendant No.1. This court has rejected the said application stating that, the Defendant No.1 has not gone through and misleading the court, the board of directors and same are given for defendant period of time commencing from the date which is pertaining to the date of execution of Power of Attorney.

The execution of power of attorney for specific period and which was valid and subsequently defendants have taken a time for cross-examination and period was over. But, the defendant has produced the power of attorney which is having an authority to lead the case. Once, this court has come to conclusion by passing the order on I.A.No. 25 against the Defendant No. 2 to 5 were directors of Defendant No.1 filed this application for issuing of notice is not admissible. Though the documents sought for examination or subsequent documents after institution of suit and defendants are liable to explain the reason, if there are failed to explain the reason for call for the said documents. The application will not maintainable. Therefore, the reasons assigned by the Defendant No.2 to 5 in the affidavit are not sufficient to call for the documents. Further, the question of examined Pw.1 was raised by the Defendant in I.A.No. 25 and similar reasons are not sufficient. Therefore, the Defendant No. 2 to 5 have not made out any grounds to allow the application.

**Accordingly, I answer Point No.1 in Negative.**

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

**ORDER**

***The I.A. No.40 filed by the Defendant No. 2 to 5 under Order XI Rule 5 read with Order XI Rule 1 (7) of CPC read with Section 151 of CPC, 1908 read with Section 165 of Bharatiya Sakshya Adhinyam, 2023 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 **04<sup>th</sup> day of March, 2026**).

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