

IN THE COURT OF PRINCIPAL DISTRICT &
SESSIONS JUDGE, BELAGAVI

Dated this the 9th day of June, 2025

PRESENT

Sri T. N. Inavally, B.A.L., LL.B.
Principal District & Sessions Judge,
Belagavi

Com. OS No.115/2022

Plaintiff: Sri Vijaykumar Mallappa Sabannavar
Age: 43 years, Occupation: Pvt. Service
Bengaluru, R/o: Plot No.15 Teachers Colony
Khasbag, Belagavi.

(Represented by Sri V.K. Patil, Advocate)

Vs.

Defendants: 1. Sri Satish Basappa Bilur
M/s YESBEE IT Solutions
Age: 45 years, Occupation: Pvt. Service
Bengaluru, R/o: Plot No.5, 2nd Floor
Meenakshi Residency Property bearing
No.1, 2nd Main Road, Kalpana Chawla
Road, Sheshgiri Layout Sanjay Nagar,
Bengaluru- 94.

2. Smt. Aswini Satish Bialur,
Age: 40 years, Occupation: Business
R/o: Plot No.5, 2nd Floor Meenakshi
Residency Property bearing No.1,
2nd Main Road, Kalpana Chawla Road,
Sheshgiri Layout Sanjay Nagar,
Bengaluru- 94.

3. Sri Aravind Charinammallappa Kittad
Age: 70 years, Occupation: Pvt. Service
R/o: 458, Chintamani Shreedarshan Colony
Takai Darshan Fursungi, Taluk: Haveli M
District: Pune- 412 308,
Maharashtra State.
4. The Karnataka State Small, Industries
Development Corporation Ltd.,
Administrative Office building
Industrial Estate, Rajaji Nagar,
Bengaluru.
5. The Asst. General Manager
KSSIDC Ltd., Industrial estate
Udyambag, Belagavi- 590 008.

(D.1 to 3 Represented by Sri S.K. Patil, Advocate)
(D.4 & 5 Ex parte)

i.	Provision under which the application is filed	U/S 151 of CPC
ii.	Relief sought for	Direction to return the documents
iii.	The date on which the application is filed	11.09.2024
iv.	Number of the application	IA No.3
v.	The date on which the objections are filed by different opponents/ plaintiff	13.11.2024
vi.	The date on which the orders was passed on the said application	09.06.2025

ORDERS ON IA No.3

This application- IA No.3 is filed by the defendants No.1 to 3 under Section 151 of Code of Civil Procedure ('CPC' for

short) praying for an order to direct the plaintiff to return the documents as sought for in the application.

2. The defendant No.1 has filed his affidavit along with the application submitting that the plaintiff secretly and behind their back collected important documents on 07.08.2018 which are mentioned in the application, through unauthorized person i.e., through the father of plaintiff, who is not partner of the firm. The plaintiff has created all possible hurdle and impediments to disrupt the progress of the firm. The plaintiff has admitted in the plaint about obtaining of those documents and he is ready to return those documents. The progress of construction is not started due to non availability of those documents. Therefore, the defendants No.1 to 3 have prayed for allowing the application and direct the plaintiff to return the documents.

3. The copy of the application is furnished to the learned counsel for the plaintiff and he has filed objections to this

application in detail submitting that the application is not maintainable in law and for the reasons stated in the objections, he has prayed for dismissal of the application.

4. Heard the arguments of the learned counsel for the defendants No.1 to 3 and also the learned counsel for the plaintiff on the application. Perused the relevant materials on record. Now the points that arise for consideration of this Court are:

1. *Whether the defendants No.1 to 3 have made out any sufficient ground to direct the plaintiff to return the documents as sought for in the application?*
2. *What order?*

5. After hearing the arguments of the learned counsel for both the parties and on considering the relevant materials on record, my findings on the above points are as hereunder:

Point No.1	:	In the negative
Point No.2	:	As per final order
		For the following:

REASONS

6. **POINT No.1:** This application is filed by the defendants No.1 to 3 praying for an order to direct the plaintiff to return the documents, such as plan approval in respect of plot No.B-16 of Desur Industrial Estate, blue print of the proposed building plan of the said plot and any other relevant documents held by the plaintiff in respect of the above said plot.

7. The contention of the defendant No.1 in the affidavit filed along with the application is that the present suit is filed for recovery of money from the partnership firm. The plaintiff has clearly stated in the plaint that he desires to retire from the partnership. The plaintiff secretly and behind the back of defendants No.1 to 3 collected the important documents through his father, who is not partner of the plaintiff firm. Now the plaintiff created all possible hurdles and impediments to disrupt the progress of the firm.

8. It is also the contention of the defendants No.1 to 3 that the plaintiff in para 17 and 19 of the plaint has stated that he is ready to return the documents. Due to non availability of the such documents, the progress of the construction and expected production of output are not started and hence, such things have caused financial, loss, anxiety, mental trauma to the defendants No.1 to 3. Therefore, the defendants No.1 to 3 have sought for return of documents from the plaintiff.

9. It is true that the learned counsel for the plaintiff has filed detail objections to the application. Such objections are regarding merits of the case. Moreover, when the plaintiff has filed this suit for particular relief, at this stage, the question of return of documents as sought for in the application from the plaintiff to the defendants No.1 to 3 does not stand for consideration on the facts of the case and also in law.

10. Moreover, the defendants No.1 to 3 have sought for return of three documents and the third document mentioned in

the application is any other relevant document held by the plaintiff in respect of the above said plot. Such prayer is vague and ambiguous. When the suit is pending for consideration, the question of returning the documents held by the plaintiff to the defendants No.1 to 3 does not arise.

11. Further, the contention of the defendants No.1 to 3 is that as there is arbitration clause, the suit itself is not maintainable. Hence, at this stage, returning of the documents to the defendants No.1 to 3 as sought for in the application does not arise. When the suit is pending for consideration, the contention of the defendants No.1 to 3 that the concerned documents are required by them for any work in respect of the partnership firm does not merit consideration. Therefore, the defendants No.1 to 3 have failed to make out any ground to direct the plaintiff to return the documents as sought for in the application. Hence, the point No.1 is answered in the negative.

12. **POINT NO.2:** From the discussions made herein above, it is clear that the application is liable to be dismissed.

In the result, I proceed to pass the following:

ORDER

The application-IA No.3 filed by the defendants No.1 to 3 under Section 151 of Civil Procedure Code is hereby dismissed.

In the circumstances, there shall be no order as to costs.

*(Dictated to the Stenographer transcribed by her, corrected and then pronounced by me in Open Court on this **the 9th day of June, 2025**)*

(T. N. Inavally)
Principal District & Sessions Judge,
Belagavi