

ORDERS ON APPLICATION FILED BY THE PLAINTIFF
UNDER ORDER 11 RULE 14 OF C.P.C.

This is the suit filed by the Plaintiff for recovery of Rs.41,04,84,455/- with interest from the Defendant, in which now when the matter for posted for cross-examination of the PW.1 the Plaintiff's counsel has filed present application under Order 11 Rule 14 of C.P.C. seeking directions to Defendant to produce original or copies of the documents mentioned in the list.

2. In the affidavit filed in support of the application the Plaintiff's GPA holder has contended that, recently he came to know that some of the correspondence letter are not retained by the Plaintiff and Plaintiff is not having original documents of photo copy of the meetings and same are with the Defendant, said documents are most relevant to the case hence, it is necessary to direct the Defendant to produce those documents.

3. To this application Defendant counsel has filed objection stating that, out of 31 documents already 3 documents are marked as Ex.P.17, Ex.P.26 and Ex.P.50. Further, the averments that the Plaintiff has not retained the office copy of the letter

is the vague allegation and Plaintiff has not stated about which of the correspondence copies are not with them. Infact, the documents which are not produced along with the plaint or with I.A. cannot be permitted to produce at this point of time. Further, documents mentioned in Sl.No.8 to 10, 16, 23 to 25 and 27 and 29 are not disputed by the Defendant. But, documents Sl.No.17, 18 and 20 does not bear the signature of the officers of the Defendant Corporation hence, those documents are not with the Defendant, application is filed only to protract the proceedings. Hence, same is liable to be rejected.

4. On perusal of schedule to the Commercial Courts Act as per Order 11 Rule 3(1) and (2) of the schedule to the Commercial Courts Act all the parties shall complete inspection of the document within 30 days and any party to the suit may seeks directions of the court for inspection or production of documents of which inspection has been refused or documents have not been produced despite issuance of notice which shows that, if inspection is refused or documents are not produced by the opposite party despite issuance of notice then only a party to the suit can seek directions for inspection or production of document by the other party. But herein the

present case there is nothing on record to show that, the Plaintiff herein has expressed his intention to inspect the documents in question or issued notice to Defendant to produce those documents within 30 days from the date of filing written statement. Therefore, application filed by the Plaintiff at belated stage is not maintainable. Hence, it is decided to reject the application of the Plaintiff. Hence, the following;

ORDER

The application filed by the Plaintiff under Order 11 Rule 14 of C.P.C. is rejected.

For cross-examination of PW.1.

Call on : 27.10.2025.

Presiding Officer,
Commercial Court & II Addl.
District & Sessions Judge, Mysuru.