



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 2708 OF 2026 (GM-CPC)

BETWEEN:

SMT. MOHSEENA BANU
W/O. ALEEM KHAN
AGED ABOUT 51 YEARS
R/AT NO.8, 1ST FLOOR, HERITAGE RESIDENCY
NO.11A, 1ST MAIN, AMBEDKAR COLONY
KAVALBYRASANDRA, BANGALORE -560 032.

...PETITIONER

(BY SRI. GANGARAJU C., ADVOCATE)

AND:

SRI SYED WAHID
S/O. SYED AKBAR,
AGED ABOUT 55 YEARS,
R/AT NO.1168, 19TH CROSS
1ST STAGE, 3RD BLOCK, HBR LAYOUT
BENGALURU-560 043.

...RESPONDENT

(BY SRI. SYED KHALEEL PASHA, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT, ORDER OR DIRECTION OR WRIT OF CERTIORARI TO QUASH THE ORDER DATED 7/1/2026 PASSED IN O.S.NO.3745/2021 BY THE XX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (CCH-32) BENGALURU, BY DISMISSING THE IA. NO.V FILED UNDER ORDER XI RULE XIV READ WITH SECTION 151 OF CPC AND, BY





ALLOWING THE I.A NO.V FILED BY THE PETITIONER IN O.S.NO.3745/2021 AT ANNEXURE- A.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

In this writ petition, the petitioner has called in question the order dated 07.01.2026 passed by XX Additional City Civil and Sessions Judge, Bangalore on I.A.No.V/2025 filed under Order 11 Rule 14 read with Section 151 of CPC in O.S.No.3745/2021 seeking a direction to the defendant to produce certain documents.

2. The petitioner-plaintiff has filed a suit for permanent injunction. After service of summons, the defendant appeared through counsel and has taken a defence that the plaintiff has executed a Sale Agreement and a General Power of Attorney dated 17.04.2007. Therefore, the petitioner-plaintiff has filed an application seeking for a direction to the defendant to produce the said Sale Agreement and General Power of Attorney.



3. It is the case of the respondent-defendant that the plaintiff has executed a Sale Agreement and General Power of Attorney dated 17.04.2007. Therefore, the burden of proving such defence squarely lies upon the defendant. The defendant has pleaded the same even when the plaintiff has categorically denied the very execution of such documents. If the said documents are not produced and the same is not proved by the defendant, an adverse inference will have to be drawn against the defendant under law. Therefore, the petitioner-plaintiff need not invoke Order 11 Rule 14 read with Section 151 of CPC seeking production of the said documents.

5. Considering this aspect of the matter, the Trial Court was justified in rejecting the application filed by the petitioner-plaintiff. There is no error or illegality found in the order passed by the Trial Court.

Accordingly, the writ petition is ***dismissed***.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

ST
List No.: 1 Sl No.: 6