

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 3046 of 2015 (O/M)
Date of decision : 29.9.2015

Jagmohan Singh

..... Revisionist

Versus

Manmohan Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Yogesh Chaudhary, Advocate, for the revisionist.
Mr. Arvind Mittal, Advocate, for respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

This Civil Revision is filed under Article 227 of the Constitution of India for setting aside the order dated 12.2.2015 (Annexure-P-1), passed by the learned Additional Civil Judge (Senior Division), Rupnagar, whereby the plaintiff/respondent No. 1 herein was allowed to serve 53 questions as interrogatories under Order 11 Rules 1 and 2 of Code of Civil Procedure, 1908 (in short 'CPC').

I have heard the learned counsel for the parties and have also carefully gone through the impugned order and the documents annexed therewith.

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The plaintiff/respondent No. 1 has filed a suit for declaration regarding the Joint Hindu and Coparcenary property. He is also seeking partition of properties by metes and bounds. In the said suit, an application for interrogatories has been filed by the plaintiff under Order 11 Rules 1 and 2 CPC. The lower Court, after examining the 53 interrogatories, made the following observations :-

“5. This Court is of the considered view that the interrogatories sought to be served upon defendant No. 1 contains the questions which are quite relevant to the matter in issue. If those questions are replied by the defendant No. 1 on affidavit, most of the disputed questions of this would get settled and it would help this Court to dispose of the suit fairly and in judicious manner and will also save the time and costs. If the interrogatories preferred by the plaintiff are answered by defendant No. 1, the same would narrow down the scope of this suit and the core issue. The interrogatories referred above are definitely relevant to the subject matter of this case. On careful appreciation of Order 11 Rule 1 of CPC, this Court arrives at conclusion that the interrogatories furnished by the plaintiff seems to be quite relevant and if the interrogatories are answered by defendant No. 1, the proceedings of this case will be simplified and it will not take a long time in trial.”

That would mean that the lower Court has examined the interrogatories and allowed it. The perusal of Rule 6 Order 11 CPC shows that it is always open to the concerned party to raise any

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objection under Order 11 Rule 6 regarding the interrogatories and can also struck down the interrogatories under Rule 7 Order 11 CPC. It being so, this Court refrain from sitting over the judgment of the lower Court in allowing the interrogatories. If the present revisionist has got any objection, he can take recourse to Rules 6 and 7 of Order 11 CPC.

In view of the above, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

29.9.2015
sjks