

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No.3455 of 2014

Date of decision : September 29, 2015

M/s Hindustan Petroleum Corporation Ltd. and Anr..... Petitioner

Versus

M/s New Service Station and OthersRespondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr.Raman Sharma, Advocate for the petitioner.

Mr.Girish Agnihotri, Sr.Advocate with
Mr.Saroj Malakar, Advocate, for the respondents.

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

Amit Rawal, J (oral)

Challenge in the present revision petition is to the impugned order dated 09.12.2013 (Annexure P-10), whereby, the application filed at the behest of the respondents-plaintiffs under Order 11 Rule 12 and 14 of the Code of Civil Procedure for appropriate directions to the petitioner-defendant No.1 to produce the alleged agreement has been allowed.

Mr.Raman Sharma, learned counsel appearing on behalf of petitioners-defendants submits that plaintiffs are the transferee from the original licensee. There was no lis between the parties and therefore the impugned order suffers from the illegality and perversity as Court while passing the impugned order did not notice of the aforementioned contentions.

Mr.Girish Agnihotri, learned senior counsel for the respondents submits that the order passed is most innocuous and has not caused any harm much less effect the right of the petitioners-defendants.

I have heard learned counsel for the parties and appraised the paper book.

Assuming the contentions of Mr.Raman Sharma, learned counsel for the petitioner, to be correct, a remedy is available, to urge such plea. Be that as it may, but the facts remains that the trial Court has directed the defendants to produce the agreement alleged to have been executed between the plaintiffs and defendants.

In my view, the Hindustan Petroleum Corporation Limited would not have any difficulty in producing the agreement much less shirk in placing on record the grievances. Rather it would facilitate the Court in adjudicating the lis between the parties in case agreement is produced.

I do not find any illegality or perversity in the impugned order. Order cannot be said to have been passed without jurisdiction. The petition is devoid of any merits and the same is dismissed.

(AMIT RAWAL)
JUDGE

September 29, 2015
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