

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.3743 of 2015 (O&M)

Date of Decision.28.05.2015

M/s Sagwal Trading Co. and another

.....Petitioners

Versus

Balbir Singh and another

.....Respondents

Present: Mr. Sanjiv Gupta, Advocate and
Mr. Gaurav Singla, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. In a suit for recovery of money and rendition of account, the defendant has entered contest and he has sought for production of certain account books and entries relating to the alleged transaction between the plaintiff and the defendant. On his application, the plaintiff has replied stating that the books which are sought for production from his alleged custody are not really in his custody and they are only with the defendant. The Court has accepted the plaintiff's contention and dismissed the application.

2. If the document which is sought to be produced is not produced, the Court will make appropriate inferences. There are no orders which are even necessary to be passed by a Court and if it passes such an order, it cannot still cause any prejudice. If the plaintiff would not produce the document, the defendant will be able to obtain

justification of copy of the documents in the manner provided under Section 65 of the Indian Evidence Act. The mere observation by the Court below that the plaintiff's contention that the defendant himself is in possession of the documents ought not to be taken as thwarting the defendant from production of copy or giving appropriate explanation that the documents are not within him.

3. With these observations, the civil revision is disposed of.

(K. KANNAN)
JUDGE

May 28, 2015
Pankaj*