

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 5237 of 2013 (O&M)
Date of Decision: 30.4.2015.**

M/s Jai Bajrang Bala Cotton Factory

.....Petitioner

Versus

M/s Ashish Trading Company

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Sherry K. Singla, Advocate
for the respondent.

Mr. Deepak Chaudhary, Advocate
for Haryana State Legal Services Authority.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 30.7.2013 (Annexure P-6) whereby leave was granted to the plaintiff to serve interrogatories on the defendant.

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

Respondent has filed suit for recovery against the petitioner qua cotton purchased by the petitioner from the respondent on credit basis in the financial year 2010-2011. During the pendency of the suit, respondent moved an application Annexure P-6 for interrogatories to be put to the respondent.

Para 2 of the said application (Annexure P-3) reads as under:-

“That the applicant wants put some interrogatories and seeking to produce some document from the defendant, which are relevant with the subject matter of the suit and required for proper adjudication of matter in dispute and also save the time of this Hon'ble Court and burden of costs. Interrogatories are attached with this application.”

In para 4 and 5 of the plaint, the respondent has given the details of the transactions between the parties.

Para 5 of the written statement reads as under:-

“That para no. 5 of the plaint is correct that the defendant had made payment mentioned in the corresponding para of the plaint. It is submitted that the Raj Rani wife of Rakesh Kumar had sold her land on 24.12.2011 and Rakesh Kumar had made a payment of Rs. 6,00,000/- on 25.12.2011 to Ashish Kumar in the presence of Amritpal Singh son of Shamsher Singh, Vikas Chander son of Bhagwan Dass, Sardul Singh son of Dyal Singh, at Talwandi Sabo. The defendant Rakesh Kumar is sole proprietor of commission agent firm namely M/s Rakesh Kumar Raj Kumar and he had made payment of Rs. 1,20,000/- on 19.1.2012, 1,00,000/- on 13.1.2012, 2,70,000/- on 8.5.2012 to the plaintiff Ashish Kumar from the above said firm. The defendant maintained account books of the said firm and firm is maintaining true and correct account books and true and correct

entries are made therein, in due course of business and same are being regularly scrutinized by the concerned departments. The plaintiff has not shown the above said transactions in his account books to cause loss the defendant, in greed and due to counter blast. Jatinder Kumar father of the plaintiff was in dealing of sale purchase of the cotton. On 5.10.2011 Jatinder Kumar got sold two lots of cotton at the rate of Rs. 4351/- per quintal from the factory of the defendant and he had come under the loss. Jatinder Kumar had not given single penny to the answering defendant and he had not given cotton due to malafide intention, as such huge amount is due towards Jatinder Kumar, father of the plaintiff. Nothing is due towards the defendant as the plaintiff had promised to adjust balance if, any from the amount due against his father Jatinder Kumar. The plaintiff firm is not entitled anything from the defendant and the defendant is not liable to pay anything to the plaintiff, much less as alleged in the plaint rather the defendant is entitled recover amount from the father of the plaintiff for the price of cotton. ”

Admittedly, there are business dealings between the parties and the petitioner is maintaining the accounts. In case the relevant record is placed on record by the petitioner qua the period in question, it will shorten the litigation and will serve the ends of justice. The learned Trial Court, thus, rightly allowed the application moved by the respondent to serve interrogatories on the petitioner.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

April 30, 2015
Gurpreet