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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Civil Revision No. 7857 of 2015 (O&M)

Date of decision: November 26, 2015

Vandna Garg

-Petitioner

Versus

Sanittar Paul Dhir and ors.

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Achin Gupta, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

{1}. This is a revision petition against the order dated 08.10.2015 passed by Civil Judge (Junior Division), Gidderbaha vide which application under Order 11 Rule 12 to 15 read with Section 151 CPC for issuance of direction to plaintiff to discover and produce the documents and supply attested copies thereof has been dismissed.

{2}. Discovery on oath and produce the documents by way of supplying attested copies are the requirements of the provision in terms of Order 11 Rule 12 to 15, for which there must be proper and concise pleadings in terms of the plaint.

Failure on the part of plaintiff may entail in dismissal of suit under Order 11 Rule 21 CPC, therefore, pleadings in terms of plaint should be categorical so as to invite specific stand by the defendant.

{3}. Defendant by moving the present application has sought production of following documents:

i) Original sale deed or attested copy of sale deed vide which the plaintiffs or their ancestors have purchased any portion of suit land comprising in Khasra No.548

ii) All original sale deeds/certified copies of sale deeds vide which the plaintiffs and/or their ancestors had sold any portion of said land comprising in Khasra No.548 from the date of first purchase by them till date

iii) Copy of Ration Card

iv) Copy of Voter Card

v) Copy of Pan Card

vi) Copy of Adhar Card

vii) Copy of site plan/building plan got sanctioned by any of the plaintiffs regarding any portion of the suit property from Municipal Council, Gidderbaha

viii) Any site plan with specific dimensions showing possession of the plaintiffs on any

portion of the suit property including Khasra No.548 and the said portion may be marked in red.

{4}. In reply thereto, plaintiff has replied in the following manner:

- i) That in reply to para No.4(i) of the application, it is submitted that the plaintiffs have not purchased any portion of the suit property comprising in Khasra No.548 rather the ancestors of the plaintiffs purchased the portion of Khasra No.548 about 50 years back, but the exact date and year is not known to the plaintiffs. Since then the name of the ancestors of the plaintiffs continuously figure in the revenue record and the plaintiffs have produced the copy of latest jamabandi in this regard, to which the presumption of truth is attached.
- ii) That in reply to para No.4(ii) of the application, it is submitted that the plaintiffs or their ancestors have not sold any portion of suit property from the date of first purchase till date.
- iii) That in reply to para No.4(iii) of the application, it is submitted that the plaintiffs are in possession of their Ration Card, but the same was not prepared in the suit property as the plaintiffs were not

residing in the suit property and in the suit property, there was an industrial unit i.e. Ice Factory which was installed by the ancestors of the plaintiffs. Moreover, the production of the same is not relevant for the decision of the present suit.

iv) That in reply to para No.4(iv) of the application, it is submitted that the plaintiffs are in possession of their Voter Card, but the same was not prepared in the suit property as the plaintiffs were not residing in the suit property and in the suit property there was an industrial unit i.e. Ice Factory which was installed by the ancestors of the plaintiffs. Moreover, the production of the same is not relevant for the decision of the present suit.

v) That in reply to para No.4(v) of the application, it is submitted that the plaintiffs are in possession of their PAN Card, but the same was not prepared in the suit property as the plaintiffs were not residing in the suit property and in the suit property there was an industrial unit i.e. Ice Factory which was installed by the ancestors of the plaintiffs. Moreover, the production of the same is not relevant for the decision of the

present suit.

vi)That para No.4(vi) of the application is incorrect and denied.

vii)That para No.4(vii) of the application is incorrect and denied. It is worthwhile to mention here that the ancestors of the plaintiffs have installed an Ice Factory in the portion of the suit property about 40/50 years back. Electric connection was also supplied by the Electricity Department in the suit property in this behalf.

viii)That para No.4(viii) of the application is incorrect and denied. The plaintiffs are co-sharers/co-owners in joint possession of the suit property.

{5}. Apparently, the pleadings of the applicant/petitioner in application is vague inasmuch as that no document has been pleaded with reference to its origin and other necessary particulars. It is a settled principle of law that the production of documents can be asked if the same are relevant for just decision of the case. If said discovery is found to be unnecessary for disposal of the case, no indulgence can be shown by the Court. The document must be relatable to the issue involved between the parties. The explanation furnished by the plaintiff in para No.4 of the reply to the application shows that the documents are not relatable to the issue in

question nor the applicant/petitioner could depose with reference to necessary details of the document so sought by way of production thereof by the plaintiff. Applicant/petitioner cannot be allowed to do fishing inquiry so as to use process of Court to establish the documents on record.

{6}. No indulgence can be granted by this Court. Consequently, the present revision petition is dismissed.

(RAJ MOHAN SINGH)
JUDGE

November 26, 2015
prince