

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 917 of 2013 (O&M)

Date of decision: 27.04.2015

Amrit Kaur

... Petitioner

versus

Kamaldeep Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sachin Sharma, Advocate for the petitioner.

Mr. Vaibhav Sehgal, Advocate for respondent No.1.

K.Kannan, J.

The petition is at the instance of the wife who demanded the production of a document on the basis of which the plaintiff was contending that the petitioner was not entitled to the property. The plaintiff's contention was that the petitioner was a divorced wife and she is not a legal heir to the divorced husband. The petitioner's request was that the plaintiff shall produce the document on the basis of which he was contending that divorce had been so granted. The Court has denied the prayer and has allowed for the trial to continue.

The order passed is erroneous and the Court was failing to exercise a discretion which vested in it. If the petitioner's right was sought to be denied on existence of certain facts alleged, the defendant/petitioner was competent to ask the plaintiff to show the proof and obtain discovery of the document on the basis of which the plaintiff made the assertion. The Court ought to have directed the production of the document which was surely relevant. I direct the plaintiff to produce the decree of divorce within a period of two weeks failing which the plaintiff will be barred from making reference to the petitioner's status as a divorced wife. The consequences shall be in the manner set forth under Order 11 Rule 21 CPC that the plaintiff's denial

on the defendant's right to a share will stand rejected and the plaintiff will also be barred from filing the document beyond the time granted by this Court.

The impugned order is set aside and the civil revision petition is allowed on above terms.

27.04.2015

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(K.KANNAN)
JUDGE