

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 382 of 2016**

- Anand Chopkar S/o Late B.R. Chopkar, Aged About 60 Years R/o Qtr No. 8, Central Avenue (East), In Front Of Hanuman Mandir, Chaubey Colony, Raipur Chhattisgarh

---- Petitioner**Versus**

1. Suresh Atlani S/o Late Golaram Atlani, Partner Firm G.K. Developers Ashok Millennium Ring Road No. 1, New Rajendra Nagar, Raipur Chhattisgarh
2. Abhishek Atlani, S/o Suresh Atlani, Partner Firm G.K. Developers Ashok Millennium Ring Road No. 1, New Rajendra Nagar, Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri MK Bhaduri, Advocate
For Respondents-State	:	Shri PK Bhaduri, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****27/06/2016**

1. In proceedings under Section 9 of the Arbitration and Conciliation Act, 1996 (for short 'the Act, 1996'), pending before the District Judge, preferred by the respondents, the petitioner has moved an objection that the proceedings are not maintainable for want of original retirement deed between the parties and for direction to respondents to produce the said deed.
2. The District Judge has refused to issue any direction to the opposite party for production of the said original partnership deed and retirement deed on the ground that the opposite party has made a statement that the document has been stolen.

3. If the opposite party is not in possession of document, neither the district Court nor this Court under Article 227 of the Constitution of India can compel a person to produce such document.
4. If such document is necessary for disposal of the application under Section 9 of the Act, 1996, the consequences of non production of the document shall be considered by the District Judge at the time of hearing Section 9 application.
5. There is no substance in the petition under Article 227 of the Constitution of India, therefore, it fails and is hereby dismissed.

Sd/-

Judge
Prashant Kumar Mishra

ashu