

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.4466 OF 2016

ORDER:

Heard Mr.K.Goverdhan Reddy for petitioner.

The petitioner challenges the order in I.A.No.2240 of 2014 in O.S.No.102 of 2013, on the file of the Principal District Judge, Kurnool, filed under Order XI Rule 14 CPC. The petitioner prays for direction to respondent herein to produce the originals of documents which are referred in the written statement in the above suit. In the affidavit filed in support of I.A.No.2240 of 2014, the petitioner refers to execution of a deed on 29.03.2014 by the respondent herein and submits that the production of the original deed is necessary. Hence, he prayed for issuing appropriate directions. The respondent filed counter and opposed the direction prayed for by the petitioner herein.

The trial Court framed the following point for determination:

“Whether there exists any justifiable grounds to issue a direction to the respondent to produce the original documents relating to the suit property as prayed for?”

The trial Court after considering the scope of Order XI Rule 14 CPC and also the prayer of petitioner herein held as follows:

“The petitioner has sought for the original documents concerning the suit property for hearing in I.A.No.2889/ 2013. The said interlocutory application is filed under Order 39 Rules 1 and 2 of Civil Procedure Code by the petitioner herein for grant of temporary injunction restraining the respondent herein from creating any documents in respect of the suit property. The said interlocutory application was filed in the year 2013. Record discloses that since 2013, the petitioner did not take any

active steps to proceed with the enquiry in the said interlocutory application. Without doing so, the petitioner has come up with this application seeking a direction to the respondent for production of original documents. The established principle of law is that only when the documents in respect of the issues in question are necessary for dealing with the matter that is pending before the Court, then only the Court can order for production of those documents; otherwise, the parties to the proceedings will be at liberty to come to a decision with regard to the production of those documents. A right will always rests upon the other party to take the certified copies of those documents and to produce them before the Court as second evidence if the person/party with whom the originals are there fails to produce those documents. Having regard to these facts and as the petitioner did not pursue the petition filed by him for grant of temporary injunction till now, this Court is of the humble view that the present application is not maintainable and cannot be considered.”

This Court is in agreement with the findings recorded by the trial Court. In addition thereto, it is to be held that the documents which the petitioner wants the respondent to produce are admittedly registered documents. The procedure for placing on record the copies of registration extracts of a registered document can certainly be availed by the petitioner. The procedure under Rule 14 of Order XI CPC is not attracted to the facts of this case.

The revision fails and is, accordingly, dismissed. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, also stand closed.

S.V.BHATT, J

Date: 23.09.2016
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