

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7347 of 2012

Date of Decision: 03.02.2016

Ram Kumar

... Petitioner(s)

Versus

M/s Khusi Ram Moti Ram and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Akash Singla, Advocate
for the petitioner(s).

Mr. Ashok Verma, Advocate
for the respondents.

Shekher Dhawan, J.

Present petition is challenge to the order dated 26.11.2012 passed by learned Additional Civil Judge (Senior Division), Fatehabad, whereby two separate applications were disposed of i.e. one filed by present petitioner (plaintiff) under Section 30 CPC read with Order 11 Rules 12 & 14 CPC and another filed by the defendants for directing the plaintiff to supply copies of documents relied upon by him as put up on the file in a closed envelope.

The Court below dismissed the application, filed by the plaintiff, but at the same time issued directions to him to supply the

necessary documents to the defendants as put up by him in the sealed envelope on the Court file.

Learned counsel for the petitioner submitted that the main suit is pending for recovery and plaintiff has no objection if necessary documents as put up by him are placed on the Court file in a sealed cover. But as a matter of fair play, the defendants be also directed to produce the copies of account books and for that purpose application under Section 30 CPC read with Order 11 Rules 12 & 14 CPC was filed and the same was dismissed by the Court below without any justified reasons and the said order be set aside.

Learned counsel for the respondents submitted that the case is still at the stage of filing of written statement and there was no question of issuance of any such direction on application filed by the plaintiff under Section 30 CPC read with Order 11 Rules 12 & 14 CPC and the order passed by the Court below does not call for any interference.

Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that as per provisions of Section 30 CPC, ample powers have been given to the Court to pass any order for admission of documents and for discovery, inspection and production of the documents. Identical are the provisions to Order 11 Rules 12 & 14 CPC. For ready reference Section 30 CPC reads as under:-

"30. Power to order discovery and the like— Subject to such conditions and limitations as may be prescribed,

the Court may, at any time, either of its own motion or on the application of any party,

- (a) make such orders as may be necessary or reasonable in all matters relating to the delivery and answering of interrogatories, the admission of documents and facts, and the discovery, inspection, production, impounding and return of documents or other material objects producible as evidence;*
- (b) issue summonses to persons whose attendance is required either to give evidence or to produce documents or such other objects as aforesaid;*
- (c) order any fact to be proved by affidavit."*

Legal proposition being undisputed on the point, the Court below has rightly passed the order dated 26.11.2012 directing the plaintiff to place on file necessary documents in a sealed envelope on the Court file, so as to enable the respondents to file the written statement and reply to the stay application.

As regard to the contentions of the plaintiff regarding production of documents, the same can be looked into by the Court only after filing of written statement but to take such a plea the defendants be also asked to place on file the documents at this stage even without filing of the written statement shall be presuming certain things is not warranted because such a plea can certainly be taken by the plaintiff after filing of the written statement, if need be. There is absolutely no illegality in the order dated 26.11.2012 and the present

petition stands dismissed. However, it is made clear that if, after the filing of written statement, plaintiff files such an application taking the same plea, the Court below shall consider and decide the same as per law.

(Shekher Dhawan)
Judge

February 3, 2016
"DK"