

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 723 of 2016

1. T.R. Burman S/o G.D. Burman, Aged About 68 Years R/o Village H I G 77, Sagardeep Enclave, Village Ameri, Via-Usalapur, Tahsil Takhatpur, District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. H. D. F. C. Limited Through Branch Manager, Branch Office Rajeev Gandhi Chowk, Raipur Road, Jarhabhata, Tahsil And District Bilaspur (Chhattisgarh)
2. Nirmod Masih (Reported Dead), S/o T. Masih, aged about 55 years, R/o Near Shiv Mandir, Majhuwapara, P.S. Civil Line, Tahsil And District Bilaspur (Chhattisgarh)
3. Sudeep Kumar Mukherjee (Reported Dead), S/o S.K. Mukherjee, aged about 62 years, R/o Hemu Kalyani Chowk, Rajendra Nagar, Bilaspur, Tahsil And District Bilaspur (Chhattisgarh) At Present Address Through Superintendent Central Jail Bilaspur, Tahsil And District Bilaspur (Chhattisgarh)

---- Respondent

For Petitioner

Shri Rituraj Verma, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

09/03/2017

1. In a suit for recovery of loan amount preferred by the respondent/plaintiff, the trial Court rejected the defendants' application filed under Order 11 Rule 14 of the Code of Civil Procedure, 1908 (for short 'the CPC').

2. The impugned order clearly records that direction to produce the document is not necessary at this stage of the suit with further observation that whenever such situation would arise and the Court thinks it appropriate, power under Order 11 Rule 14 of the CPC would be exercised.
3. Considering the liberty reserved in favour of the petitioner, this petition under Article 227 of the Constitution of India is disposed of with similar liberty that whenever the petitioner/defendant thinks it appropriate that the stage of the suit is ripe for summoning all such documents, the Court shall decide whether or not to summon and direct the other party to produce the documents.

Sd/-

Judge

Prashant Kumar Mishra

Gowri