

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.1392 of 2016(O&M)

Date of Decision : 07th April, 2017

The Chief Manager, Bank of Baroda

..... Petitioner

Versus

B.L.Seth Group and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr. Sanjeev Duggal, Advocate
for respondent No.1.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition, at the hands of defendant, filed under Article 227 of the Constitution of India, is directed against the order dated 09.09.2014 (Annexure P-5) and also the order dated 28.10.2015 (Annexure P-7), dismissing the review application of the petitioner thereby directing the petitioner to supply the documents stated in the application, moved by the plaintiff, as the Court found those documents to be necessary for proper adjudication of the case.

Notice of motion was issued.

Heard learned counsel for the parties.

A bare reading of the impugned orders passed by the learned trial Court would make it crystal clear that it was the learned trial Court itself who felt the necessity of the documents for proper adjudication of the

case. Even if application would not have been filed by the plaintiff, the learned trial Court would be well within its jurisdiction to issue such a direction to the defendant-petitioner to supply such documents to the Court which were found necessary for effective adjudication of the lis between the parties. Any opposition by the defendant-petitioner would lead to the impression as if the defendant-petitioner was trying to conceal some material from the notice of the Court, by withholding the documents necessary for disposal of the case. Having said that, this Court feels no hesitation to conclude that the learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

It would not be within the domain of the petitioner to withhold the documents contending that the documents were not relevant to the controversy involved between the parties. It is so said because it would be for the learned trial Court to examine, consider and appreciate the relevance as well as the evidentiary value of the documents. Petitioner has been found trying to ignore the basic principle that it was the duty of the learned trial Court to arrive at a judicious conclusion with a view to do complete and substantial justice between the parties. In such a situation, if the documents were found necessary for disposal of the case, defendant No.1-petitioner was duty bound to supply those documents to the learned trial Court to facilitate it to arrive at a just conclusion to render an effective judgment.

Learned counsel for the petitioner also sought to raise another wholly misconceived contention that the matter was being looked into by the CBI. However, when he was asked to point any case, inquiry number, date, month or year or any such reference to the CBI as well as

necessity or occasion thereof, he had no answer and rightly so it being a matter of record. In this view of the matter, the contention raised by the learned counsel for the petitioner has not been found worth acceptance. Under these undisputed facts and circumstances of the case it can be safely concluded that the learned trial Court committed no error while passing the impugned orders and the same deserves to be upheld, for this reason as well.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. Further the impugned orders have been found duly supported by sound reasons and the same deserves to be upheld for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

07th April, 2017

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Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No