

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.2274 of 2017
Date of Decision: 31.08.2017

Dinesh Gupta and anotherPetitioners
Vs
Ankit Gupta and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Puneet Gupta, Advocate
for the applicant/petitioners.

Mr. Aalok Jain, Advocate
for the non-applicant/respondents.

RAJ MOHAN SINGH, J.

CM No.17414-CII of 2017

With the concurrence of the parties, the date of hearing
is preponed for today itself.

Application stands disposed of.

Main case

[1]. Petitioners have assailed the order dated 08.03.2017
passed by Civil Judge (Junior Division), Chandigarh, whereby
the application filed by the petitioners for production and supply
of documents to enable them to file their rejoinder to the reply
filed by the respondents was dismissed.

[2]. Petitioners have filed the application for production of
the documents as detailed in para No.2 of the application in

order to enable them to file rejoinder to the preliminary objections and reply filed by the respondents on merits.

[3]. In reply to the aforesaid application, the respondents have pleaded that there is no relevancy of the documents for filing rejoinder to the reply of the respondents. The documents relates to M/s A.B. Resorts Private Limited and these documents have no relevancy with the controversy in the case. The case relates to recalling the judgment and decree dated 12.01.2016 and these documents have not been relied upon by the respondents in the reply filed by them. The recalling is being prayed on the basis of fraud and there is no connectivity of these documents with the plea contained in the application. The same prayer was made before the Company Law Board and the same was withdrawn on 09.12.2015. An independent suit against M/s A.B. Resorts Private Limited is pending between the parties and in the earlier petition i.e. CR No.4799 of 2017, the said prayer was not entertained by this Court.

[4]. During course of arguments, both the parties concurred on a point of submission that the relevancy of the documents can be seen by the Court at the relevant stage. At this stage, this petition can be disposed of with a direction to the trial Court to decide the relevancy of the documents at the appropriate

stage. In case relevancy of the documents is found to be existed for deciding the controversy, then the adverse inference is to be drawn against the respondents. In case, no relevancy of the documents is found with the controversy, then the production of the same be treated to be declined.

[5]. In my considered opinion, the consensus arrived at between the parties is fair enough to dispose of the present revision petition with the aforesaid direction to the trial Court to consider the relevancy of the documents at the relevant stage and draw adverse inference in the event of finding relevancy of the documents to be existed and vice versa in case of finding no relevancy.

[6]. Disposed of accordingly.

August 31, 2017.

(RAJ MOHAN SINGH)
JUDGE

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No