

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

138

CR-5392-2017

Date of Decision:16.08.2017

M/s Ram Pal Singh Mukhtyar Ahmad
and others

.....Petitioners

Versus

M/s Aggcon Equipments
International (P) Limited & another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.Adarsh Jain, Advocate,
for the petitioners.

RAMESHWAR SINGH MALIK, J.(Oral)

The present revision petition, at the hands of defendants, filed under Article 227 of the Constitution of India, is directed against the order dated 20.05.2017 passed by the learned trial court, whereby the defendants-petitioners were directed to produce the original documents, failing which the plaintiff would be free to produce secondary evidence qua the concerned documents.

Heard learned counsel for the petitioners.

A bare perusal of the impugned order would show that the learned trial court rightly protected the interest of both the parties, while passing the impugned order. Learned counsel for the petitioners contended that the plaintiff-respondent was bound to disclose the specific documents in his application. Since the plaintiff did not disclose the specific documents, the learned trial court ought to have dismissed the said application. The contention raised by learned counsel for the petitioners has been duly considered but the same has been found wholly misplaced for

passing the impugned order.

This was the reason that even if the said documents shall not be produced by the defendants-petitioners, in that eventuality, plaintiff shall be free to produce secondary evidence qua the concerned documents. In such a situation, it is now for the defendants-petitioners to decide whether they want to avail the opportunity provided to them by the learned trial court by passing the impugned order. 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.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned order passed by the learned trial court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

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 the 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 above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

August 16, 2017
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(**RAMESHWAR SINGH MALIK**)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No