

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

CR No.6733 of 2017(O&M)

Date of decision: 28.9.2017

Bhavya Wadhera and anotherPetitioners

VERSUS

Apeejay SchoolRespondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Abhimanyu Singh, Advocate for the petitioners.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against order dated 13.07.2017 (Annexure P-5) whereby application filed by the petitioner under Order 11 Rule 14 read with Section 151 of the Code of Civil Procedure, 1908 (in short 'CPC') for directing the respondent/plaintiff to produce the documents has been partly disallowed qua documents mentioned in para 2 clauses (iv) and (v).

The respondent/plaintiff has filed a suit for recovery of Rs.1,32097/- and details of outstanding payment of Rs.1,07,210/- on the basis of bills for the academic year 2009-10 till the first quarter of the academic year 2013-14 is given in para 4 of the plaint.

The petitioners/defendants filed the written statement and in turn contested claim of the respondent/plaintiff for charging the fee stated to be outstanding by raising averments in para 4 of the written statement.

Later, the instant application was filed for issuance of directions to the

respondent/plaintiff for producing the documents detailed in para 2 clauses (i) to (v). The trial Court has directed the respondent/plaintiff to produce the documents detailed in clauses (i) to (iii) of para 2 but declined the prayer for production of documents mentioned at clauses (iv) and (v) which read as follows:-

- iv. Financial details of the plaintiff school for the financial year, for the year 2006-2007, 2007-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016..
- v. Detail regarding transfer of funds amounting Rs.12,00,00,000/- (Rs.twelve crore) in the year of 2006-2007 to the parent body of the plaintiff namely Apeejay Education Society.

Counsel for the petitioner has carried me through the pleadings of the parties but failed to convince that documents mentioned at clauses (iv) and (v) are necessary or relevant for adjudication of the matter in controversy. That being so, I do not find any patent or jurisdictional error committed by the Court below warranting intervention in exercise of supervisory jurisdiction of this Court.

For the foregoing reasons, the petition is dismissed in limine.

SEPTEMBER 28, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no