

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.7755 of 2013

Date of decision: May 08, 2017

Shokat

...Petitioner

Versus

Daya Ram & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ankit Aggarwal, Advocate for the petitioner.

Mr. R.S. Hooda, Advocate for respondents No.1 & 2.

Mr. Sachin Gupta, Advocate for respondent No.3.

Rajan Gupta, J.(oral)

Present revision petition is directed against the order dated 28.09.2013, passed by the court below, whereby application filed by the plaintiff/petitioner under Order 11 Rule 2 for issuing interrogatories to defendant/respondent No.3, has been dismissed.

Order has been challenged before this court on the ground that application has been erroneously dismissed by the court below. Learned counsel for the petitioner further submits that petitioner has not executed any loan documents and thus, it is necessary that defendant No.3 is directed to answer the interrogatories.

Learned counsel appearing for respondents, however, oppose the prayer. According to them, order of the trial court suffers from no infirmity.

I have heard learned counsel for the parties and given careful

thought to the facts of the case.

It appears, plaintiff/petitioner filed a suit for declaration with consequential relief of mandatory injunction against the defendant/respondents challenging order of attachment of his land against loan of Rs.6,99,662/- taken by defendant/respondent No.1. During pendency of suit, plaintiff filed instant application for issuing interrogatories to defendant No.3 bank, on the ground that defendant No.3 is seeking recovery of certain amount from the plaintiff, whereas he has not even executed any documents in this regard. Keeping in view facts and circumstances of the case, trial court dismissed the application at the stage, observing that since evidence of plaintiffs is going on, it is not appropriate stage for issuing interrogatories. However, it granted liberty to the parties to prove their case by leading evidence. I find no infirmity with the order passed by the trial court. The plaintiff still has opportunity to rebut the documents of the defendants by leading his evidence. The revision petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 08, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No