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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 183/2017 & CM Nos.6065-66/2017

GOVERNMENT OF MADHYA PRADESH & ANR..... Petitioners

Through Mr.B.P.Singh & Mr.K.V.Sreemithun,
Advocates

versus

CHARNPREET KAUR & ORS

..... Respondents

Through Mr.J.P.Sengh, Sr.Advocate with
Ms.Zubeda Begum, Ms.Sana Ansari
& Ms.Manisha Mehta, Advocates

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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07.03.2017

1. By the present petition filed under Article 227 of the Constitution of India, the petitioners seek to impugn the order dated 17.01.2017 by which an application filed by the petitioners for summoning of a judicial file pertaining to an FIR No.989/2014 was dismissed.
2. The present suit is filed by the respondents for possession, mesne profits and future damages. The admitted position is that the respondents have received the possession of the suit property. The only issue that survives is determination of mesne profits. The plaintiffs/respondents have completed their evidence on the issue of mesne profits. Now the evidence is fixed for the petitioners/defendants.
3. At this stage, the petitioners first moved an application for summoning of three witnesses, i.e. their own officers, two of whom were retired officers. Then the petitioners have moved the present application

seeking to summon the said judicial file. As per the application, it is stated that the petitioners seek to summon the said judicial file to be put to the witnesses, which have been allowed to be summoned documents which are part of the said file.

4. The trial court by the impugned order noted that the documents which were sought to be brought on record by the petitioners have not been specifically mentioned in the application nor the relevance of the same has been described. It has also noted that the application to bring on record the file has already been rejected way back in 2014 and now under the garb of the present application, the said order is sought to be reviewed. The purpose of judicial record is nowhere stated in the application. The application was dismissed.

5. I have heard the learned counsel for the parties.

6. The learned counsel for the petitioners has clarified that what was disallowed by the court on 26.09.2014 was production of a copy of the FIR No.989/2014. He submits that the judicial file is not required for summoning the FIR but to summon certain other documents, which have been placed on record of the said file by some of the officers of the petitioners. He submits that these documents are relevant for the purpose of determining mesne profits and have to be put to the summoned witnesses who have retired.

7. The learned senior counsel for the respondents has reiterated that the application is bereft of any details as to why the said judicial file needs to be summoned. He reiterates that in the absence of any relevant details, the petitioners cannot go on a roaming inquiry.

8. I may note that in this case the petitioners have now before this court placed on record a copy of the documents which he seeks to produce from

the judicial file of FIR No.989/2014. A perusal of these documents would show that these are the internal certificate/circular generated by the office of the petitioners. As to how these documents, in any way, are relevant for the purpose of determining the mesne profits of the suit property is not known and has not been explained. Even otherwise, as noted by the trial court, the details of these documents which are now produced before this court were not stated before the trial court to enable to the trial court to adjudicate the requirement of the same. Having seen these documents now, in my opinion, these documents have no relevance to the issue at hand. There are no reasons to interfere in the impugned order. The petition is dismissed. All the pending applications, if any, dismissed.

JAYANT NATH, J.

MARCH 07, 2017/v