

HIGH COURT OF CHHATTISGARH, BILASPUR
WRIT PETITION (227) No. 71 of 2016

Manish Bajpai S/o Late Manmohan Krishna Bajpai Aged About 45 Years R/o Mannuchowk, Tikrapara, PS City Kotwali, Tahsil And District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. Alkesh Lakde S/o Shri Dattatreya Lakde Aged About 45 Years R/o Near Old Power House PS Torwa, Torwa, Bilaspur Chhattisgarh.
2. UCO Bank Through The Branch Manager UCO Bank, Bus Stand Branch PS City Kotwali Bilaspur Chhattisgarh.

---- Respondents

For Petitioner : Shri A. V. Shridhar, Advocate.
For Respondent No.1 : Shri Vivek Shrivastava, Advocate.
For Respondent No.2 : Shri Ravindra Sharma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

02/11/2018

1. By the impugned order defendant's application filed under Order VIII Rule (1) A (3) of C.P.C has been rejected by the trial Court, against which, this writ petition has been preferred.
2. I have heard learned counsel for the petitioners and perused the impugned order.
3. Order VIII Rule (1) A (3) of C.P.C states as under -:

“[1-A. Duty of defendant to produce documents upon which relief is claimed or relief upon by him.

(1). xxxxxxxxxx

(2). xxxxxxxxxx

(3). A document which ought to be produced in Court by the defendant under this rule, but, is not so produced shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.”

4. Defendant's evidence has yet to commence and the documents appears to be necessary for deciding the controversy between the parties, and original photocopies of the said document have already been filed. It would be expedient to take the documents on record subject to payment of cost of Rs. 2,000/- to the plaintiff/respondent No.1 on the next date of hearing. The trial Court is directed to proceed further and decide the suit within six months from the date of receipt of certified copy of this order. With the aforesaid observation, this writ petition finally stands disposed off. A copy of this order be sent to the concerned trial Court for needful directly and through District Judge concerned.

Sd /-

(Sanjay K. Agrawal)
Judge