

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (227) No. 683 of 2018**

Babu Lal Aggarwal, S/o. Late Mangeram Agrawal, Aged About 58 Years,
Occupation - Business, R/o. Subhash Chowk, Raigarh, Tahsil & District
Raigarh, Chhattisgarh.

---- **Petitioner****Versus**

1. Skania Steels & Power Ltd., 32 Milestone Punjipathra, Tahsil Gharghoda,
District Raigarh, Chhattisgarh.
2. Sanjay Gadodia, Director, Skania Steels & Power Ltd., Care - Skania
Industries, 01 Civil Township, Rourkela, Odissa.

---- **Respondents**

For Petitioner : Mr. Ashish Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****09.08.2018**

Heard.

1. The present petition is against the order dated 09.05.2018 passed in Civil Suit No.2-B/2017 by the learned Court of First Additional District Judge, Raigarh, whereby an application under Order 11 Rule 16 of C.P.C. wherein certain ledger, gate-pass, stock register, purchase particulars and salary certificate has been asked for was dismissed.
2. Learned counsel for the petitioner would submit that the petitioner is a plaintiff who has filed a suit for recovery of money for certain goods supplied to defendants. It is further contended that the documents which are in the possession of the respondents required to be produced to support the case of plaintiff and the Court below only on relying the reply of the respondents that the documents are not relevant has dismissed the application. Therefore, the order is required to be corrected.

3. Perused the connected documents filed along-with the petition. The suit is for recovery of money on the ground that the respondents have purchased certain goods for which the payment was not made. The impugned order shows that since in the reply it is stated that the documents are not relevant, therefore, it is presumed that the documents are not in their possession. Be that as it may, it is the plaintiff who has filed the suit and has to succeed on his own strength. Specially when there is a commercial transaction is made, the plaintiff has to produce his evidence to prove the fact that certain goods were supplied for which the payment has not made by the defendants. If those burden is discharged then it is the burden of the defendants to prove that the payment has been made. The roving enquiry in terms of whether the goods were supplied and payments have been made or not cannot be interdependent on production of document by the defendants. If it is proved that goods were supplied and the payment has not been made for the goods received then the law will take its course and the Court may decree the suit in favour of the plaintiff. The production of documents are meant to shorten the stage of evidence on admission or otherwise. Under the circumstances, I do not find any illegality in the order to interfere in exercise of power under Section 227 of the Constitution.
4. Accordingly, the petition has no merit and is dismissed. However, the trial Court is requested to expedite the trial.

Sd/-
Goutam Bhaduri
Judge