

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 753 of 2018**

1. Mukund Krishna Agrawal, S/o Shri Mahendra Agrawal, aged about 45 years, R/o First Floor, Sindhu Brij, Radheshyam Nivas Kushalpur, Raipur, District Raipur (C.G.)
 2. Smt. Suman Agrawal, W/o Mukund Krishna Agrawal, aged about 40 years (not mentioned in the order sheet of the learned court below), R/o First Floor, Sindhu Brij, Radheshyam Nivas Kushalpur, Raipur, District Raipur (C.G.)
- Petitioners / Defendants**

Versus

Mahendra Agrawal, S/o Late Shri Radheshyam Agrawal, aged about 72 years, R/o Sindhubrij Radheshyam Nivas Kushalpur, Raipur, Tahsil and District Raipur (C.G.)

---- Respondent / Plaintiff

For Petitioners : Mr. J. K. Gupta, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board**31/08/18**

1. By the impugned order dated 08.05.2018 (Annexure – P/1), the trial Court has declined the application filed by the petitioners herein / defendants under Order 11 Rule 12 of the C.P.C. for producing the documents by the plaintiff on the ground that issues have not been framed.
2. Learned counsel for the petitioner submits that impugned order is unsustainable and bad in law and deserves to be set aside.
3. I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.
4. The trial Court has exercised its jurisdiction vested upon it under proviso to Order 11 Rule 12 of the C.P.C. finding that documents are not necessary at this stage prior to framing of issues. The order of the trial Court is purely discretionary order and as such this Court is not inclined to interfere with the order of the trial Court. However, the petitioners / defendants are at

liberty to move an application afresh under Order 11 Rule 12 of C.P.C. after framing of the issues.

5. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge