NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 383 of 2019

- Rituraj Verma, S/o Mr. Mohanlal Verma, Aged About 25 Years, R/o 83/21, Nehru Nagar (East), Bhilainagar, Tahsil and District Durg Chhattisgarh

---- Petitioner

Versus

- Smt. Sharda Verma, W/o Mr. Rituraj Verma, Aged About 23 Years, Present Address House No.429, Ward No.35, Bhatapara, Village Morid, Tahsil Patan, Police Station Utai, District Durg, Chhattisgarh

---- Respondent

For Petitioner Shri Raza Ali, Advocate

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

26/06/2019

1. In the pending proceedings under Section 125 of CrPC, the defendant/petitioner had moved an application for discovery of documents under Order 11 Rule 12 of CPC.

2. The application has been rejected by the Family Court observing that a party to the suit cannot be directed to produce documents, which would be in the nature of an evidence in favour of the other party. It is for the petitioner to prove his own case by producing oral or documentary evidence.

3. The proceedings under Section 125 of CrPC are in the nature of quasi criminal proceedings, in which the Code of Civil Procedure has no application, because the proceedings are not in the nature

of civil suit nor the Family Court is enjoined to try the suit adopting such procedure as provided in the CPC.

4. The Family Court has rightly rejected the application. There is no substance in this petition. It fails and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Nirala