

105
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2019 13:10
I attest to the accuracy and
authenticity of this document

CR-2235-2019 (O/M)
Date of decision : 2.4.2019

Sh. Manuj Mittal

..... Petitioner (s)

Versus

M/s Bajwa Developers Limited and another

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. V.K. Sachdeva, Advocate,
for petitioner.

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KULDIP SINGH, J. (ORAL)

Impugned in present revision petition is order dated 22.2.2019 (Annexure-P-1), passed by learned Civil Judge (Junior Division), Chandigarh, vide which an application filed by plaintiff-petitioner under Order XI Rules 12 and 14 CPC, 1908, for directing defendant company to produce documents i.e. list of debtors, creditors, advances from customers for each year, being an integral part and parcel of balance sheets for the financial years 2010-2011, 2011-2012, 2012-2013 and 2013-2014, was dismissed.

I have heard learned counsel for plaintiff-petitioner and have also carefully gone through case file.

The perusal of file shows that plaintiff-petitioner has filed a suit for recovery of Rs. 13,68,097.80. In this case, plaintiff-petitioner has already led the evidence and evidence of defendant company has already been closed by order on 31.8.2018, as informed by learned counsel for plaintiff-petitioner. In the reply to application, defendant company has denied the possession of said documents, though the official of Registrar of Companies says that in the balance sheets, said documents were not

attached and that they are with defendant company. If defendant company denies said documents and does not produce it, adverse inference can be drawn against it.

The learned counsel for plaintiff-petitioner has further pointed to application filed by defendant company for leave to defend, in which it has taken the plea that money was paid by plaintiff-petitioner regarding some old loan.

If it is so, plaintiff-petitioner can always take benefit of said admission before trial Court. The suit is pending for last five years. There is no illegality or infirmity in the impugned order. Therefore, revision is dismissed.

(KULDIP SINGH)
JUDGE

2.4.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No