

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1331 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff aggrieved by the order dated 15.04.2019 passed in I.A.No.407 of 2019 in O.S.No.537 of 2017 by the Principal Junior Civil Judge, Ranga Reddy District at L.B. Nagar, whereby the application filed by the respondents/defendants under Order XI Rule 14 of CPC, to produce the latest and the old passports of G.Poornima in original, green card or citizenship certificate of G.Poornima of USA and firm registration certificate of the plaintiff, was allowed.

2. Heard both sides and perused the record.

3. Learned counsel for the revision petitioner/plaintiff would contend that the Court has no power to give a direction to produce the aforesaid documents. Those documents are irrelevant for the purpose of adjudication of the suit filed for perpetual injunction. The Court has to determine the *lis* in between the parties basing on the documents filed by the parties. Even if no document which relates to subject dispute is filed, an adverse inference can be drawn and ultimately prayed to set aside the impugned order and allow the revision petition as prayed for.

4. On the other hand, learned counsel for the respondents/defendants would contend that only a citizen of India is entitled to carry on business of cable network. The rules and regulations governing cable operations mandate the same. Since G.Poornima has no Indian citizenship, she cannot manage M/s.Baba

communications. The aforesaid documents are necessary for adjudication of the subject matter of the suit. Therefore, the Court below is justified in directing G.Poornima to produce those documents. There is no legal infirmity to set aside the impugned order and ultimately prayed to dismiss the petition.

5. In view of the submissions made by both sides, the point that arise for determination is:

“Whether the Court below is justified in directing G.Poornima to produce the aforesaid documents?”

6. POINT: In the course of submissions, it is brought to the notice of this Court that in view of the mandate given under Rule 2-A(a) of Cable Television Networks Rules, 1994, only a citizen of India can operate the business of cable network.

7. The contention of the learned counsel for the respondents/defendants is that only a citizen of India can operate the business of cable network and foreigners cannot operate the business. The subject dispute is that G.Poornima being a foreigner is operating the business of M/s.Baba communications. Therefore, the dispute relates to management of M/s.Baba communications. As it is denied by the respondents that G.Poornima cannot conduct business of M/s.Baba communications, in order to establish that G.Poornima has requisite qualification to manage the business of M/s.Baba communications, the certificates or record to be produced becomes relevant for the purpose of adjudication of the subject matter of the suit. Certainly, the Court below has the power under Order XI Rule 14 of CPC to direct the parties to the proceedings to produce relevant

documents. Under these circumstances, the Court below is justified in passing the impugned order. There is no illegality in the impugned order. This civil revision petition is devoid of merit and is liable to be dismissed.

8. In the result, the Civil Revision Petition is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Date: 03.02.2020
ssp

Dr. SHAMEEM AKTHER, J

