

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

:-

C.R No. 1393 of 2018 (O&M)

Date of decision: 06.01.2020

M/s Dev Rolling Mills Pvt. Ltd. & Anr.

... Petitioners

Vs.

M/s Mukesh Udyog Ltd. & Ors.

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present:- Mr. Vikas Bali, Advocate, for the petitioners.

None for respondent Nos. 1 and 2.

Mr. Aayush Gupta, Advocate, for respondent No.3.

Mr. R.S. Bhatia, Advocate, for respondent No.4.

ALKA SARIN, J.

C.M No. 604-05-CII of 2020

Applications are allowed subject to all just exceptions.

Documents are taken on record.

C.R No. 1393 of 2018 (O&M)

The present revision petition has been filed for issuance of direction to respondent Nos. 3 and 4 to provide all necessary documents as per order dated 29.01.2018 (Annexure P-10) and further for production of the documents sought for in the applications (Annexures P-11 and P-12) under Order 7 Rule 14 of the Code of Civil Procedure (hereinafter referred to as, "CPC").

A brief matrix of the facts is given below:-

The plaintiff-petitioner filed a suit for grant of permanent injunction restraining the defendants-respondents and their agents etc., from

interfering in any manner in the peaceful possession of the plaintiff-petitioner, of the demised premises being a lawful tenant and further an injunction restraining the defendants from dispossessing him. Alongwith the plaint (Annexure P-1) an application for grant of ad-interim injunction (Annexure P-2) was also filed. It was the case set up by the plaintiff-petitioner that he had taken the demised premises on monthly rent of ₹1,55,000/- vide registered lease deed dated 06.04.2015 for a period of three years commencing from 01.04.2015 to 31.03.2018. Vide order 23.02.2016, the trial Court issued notice and passed a restraint order against the defendant-respondents from dispossessing and interfering in the peaceful possession of the plaintiff-petitioner till 11.03.2016.

Defendant-respondents No.1 and 2 caused appearance and filed their respective written statements. Subsequently, defendant-respondents No. 3 and 4 were also added as parties. Thereafter, various other applications were filed including an application Order 6 Rules 17 of CPC for amendment of the plaint. It also transpires from the perusal of order dated 29.01.2018 (Annexure P-10), passed by the trial Court that an application filed under Order 7 Rule 11 CPC is also pending before it. The plaintiff-petitioner has not filed a reply to the same till now.

The plaintiff-petitioner also moved an application under Order 7 Rule 14 of CPC for production of original documents and supply of copies of the documents relied upon by defendant-respondent No.3. Vide order dated 29.01.2018, the said application was allowed. However, despite the said application being allowed, on 27.02.2018 the plaintiff-petitioner filed the present revision petition for further direction that the respondents be directed to

supply the documents in compliance of the order passed by the trial Court.

Learned counsel for the respondents have stated that not only is the plaintiff-petitioner trying to delay the matter, but is also trying to avoid a decision on the application under Order 7 Rule 11 C.P.C, which has been filed by them.

Per contra, learned counsel for the plaintiff-petitioner submitted that the application under Order 7 Rule 11 CPC can only be decided once the documents as sought for by him are produced by the respondents.

It is strange that the plaintiff-petitioner, whose application has already been allowed by the trial Court, has yet approached this Court by way of the present revision petition seeking compliance of the order dated 29.01.2018 passed by the trial Court. There is absolutely no occasion for the petitioner to have approached this Court for seeking compliance of the order dated 29.01.2018 and for further directions to the respondents to supply the copies of the documents sought by him.

The present revision petition is nothing but an abuse of process of law and it appears that same has been filed in order to delay the matter, since, plaintiff-petitioner is enjoying a stay order in his favour. Application under Order 7 Rule 11 CPC is also pending since 2018.

I, therefore, find no merit in the present revision petition.

Accordingly, the present petition is dismissed.

January 06, 2020
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(ALKA SARIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No