

CR-5228-2015(O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5228-2015(O&M)
Date of decision: 26.2.2020

Manjit Kaur

.....Petitioner

Versus

M/s Silver City Coloniser Pvt. Ltd. and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms.Diksha Goyal, Advocate for
Mr. Harsh Garg, Advocate for the petitioner

Mr. Saadan Singla, Advocate for
Mr. M.K.Bhandari, Advocate for
respondents No. 1-3, 7-10, 12-14

Mr. Munish Gupta, Advocate for respondents no.16 & 17

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-petitioner has filed this revision petition under Article 227 of the Constitution of India against the order passed by the learned Trial Court dated 9.7.2015, operative part whereof reads as under:-

“3. I have heard Ld. Counsel for the parties and have gone through the file carefully. The present application has been filed by the plaintiff/applicant to direct the defendants to sign the copy of written statement supplied to the applicant in the presence of the court. It is alleged by the counsel for the plaintiff that the signatures on the copy of the

written statement is mandatory as per provisions of CPC and the defendants are bound to sign the copy of written statement. On the other hand, Ld. Counsel for the defendant has alleged that there is no such provisions in CPC which requires the defendants to sign the copy of written statement to be supplied to the opposite party and the defendants already filed written statement alongwith duly sworn affidavit as envisaged u/s 8 of CPC and the present application as far as claim to apply copies of documents mentioned in the written statement is concerned. Counsel for the defendants supplied the copies of the documents to the plaintiff and in this regard statement of counsel for the plaintiff is got recorded that he has received the copies of documents from defendants. As such, this relief is accordingly disposed of . I have gone through the provision of u/o 8 Rule 1 A CPC which reads as under:-

U/o 8 R-1A. Duty of defendant to produce documents upon which relief is claimed or relied upon by him. (1) where the defendant bases his defence upon a document or relies upon any document in his possession or power, in support of his defence or claim for set-off or counter-claim, he shall enter such document in a list, and shall produce it in Court when the written statement is presented by him and shall, at the same time, deliver the document and a copy thereof, to be filled with the written statement.

As per aforesaid provisions the copies of documents already supplied to the counsel for the

plaintiff and there is no provisions that the copy to be supplied to the opposite party be signed by the party. Keeping in view the provisions, the present application stands dismissed being devoid of any merits.”

Learned counsel for the petitioner submits that the copies of the written statement supplied to the plaintiff have not been signed by the defendants.

On a Court question, learned counsel for the petitioner could not draw attention of the Court to any such requirement. Hence, the present revision petition is dismissed.

26.2.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)**JUDGE**

Yes / No

Yes / No