

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No. 114 of 2021

P.S. Chouhan, S/o Late D.S. Chouhan, Aged About 82 Years, R/o Smriti Bhawan, Near Shahid Chowk, Station Road, Durg, District- Durg (C.G.)

--- Petitioner

Versus

1. Sukhbir Singh Raghav, S/o Late Surendra Singh Raghav, Aged About 62 Years, R/o. 5/6, Mahavir Nagar, Ring Road, Raipur, District- Raipur (C.G.)
2. Dhurendra Singh Raghav, S/o Late Surendra Singh Raghav, Aged About 52 Years, R/o. MIG-30, Sahyog Park, Mahavir Nagar, Ring Road, Raipur, District- Raipur (C.G.)

--- Respondents

For Petitioner : Mr. Jitendra Gupta, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24/02/2021

1. This writ petition has been brought under Article 227 of the Constitution of India, seeking indulgence of this Court to interfere with the impugned order dated 13.03.2020 passed by the learned 8th Additional District Judge, Durg (C.G.) in Civil Suit No. 16B/2015.
2. It is submitted by learned counsel for the petitioner, that the petitioner is the plaintiff in the civil suit, which has been brought against the respondent for recovery of amount of Rs. 17 lacs with interest. During pendency of the civil suit and after

completion of the plaintiff's evidence, some facts have been disclosed in the cross-examination of the respondent side. On the basis of which, the petitioner/ plaintiff moved an application under Order 8 Rule 1A and Order 11 & 16 of the C.P.C. praying for production of the original records. Another application under Section 151 of the C.P.C. was moved praying for directing the respondent/ defendant No. 1 to produce income tax return and one more application under Section 151 of the C.P.C. was moved praying for production of bank accounts details of the respondent/ defendant No. 1. These applications were opposed by the respondent side. The learned trial court has rejected all the applications by the impugned order.

3. Considered on the submissions. The petitioner/ plaintiff's evidence is already closed in the trial. The petitioner had all the opportunity for production of the documents at the preliminary stage of the trial, by filing the application under Order 11 of the C.P.C. The plaintiff cannot make a prayer under Order 8 Rule 11 of the C.P.C. and the application under Order 11 Rule 16 of the C.P.C., has been filed at delayed stage, which cannot not be entertained at this stage. Section 151 of the C.P.C. although empowers the Court with inherent powers but, such inherent power cannot be used arbitrarily in disregard to the procedure according to law. Hence, I find no reason to hold that the impugned order is erroneous, arbitrary and or against the provisions of law. The jurisdiction under Article 227 of the Constitution of India, is very limited and to the extent to see

whether, the subordinate court has acted within the parameters of law and the procedure provided. Therefore, I do not find any reason for exercising the supervisory power of this Court.

4. In view of the above, the instant writ petition is liable to be and is hereby dismissed and disposed of at motion stage itself.

Sd/-
(Rajendra Chandra Singh Samant)
Judge