

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3370 of 2021**

- Laxminarayan Swami Mandir Public Trust Through Birjesh Kumar Kaser S/o Suresh Kumar Kaser, Aged About 40 Years, R/o Shanti Kunj, Satti Bazar, Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Registrar, Public Trust, Raipur District Raipur, Chhattisgarh
2. Mahant Yagyanand Bramhchari Religious Father Late Shri Savarkar Mahant Gautamanand Bramhchari Aged About 70 Years R/o Borsi, District Durg, Chhattisgarh

---- Respondents

For Petitioner : Shri Manoj Paranjpe, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****26/08/2021**

1. Heard.
2. The challenge in this petition is to the order dated 27.07.2021 whereby the application filed by the petitioner under Order 11 Rule 12 read with Section 151 of CPC was adjourned with the finding that it would be decided at the time of final hearing.
3. Learned counsel for the petitioner would submit that respondent No.2 had filed an application for change of the trustee before the Registrar, Public Trust and during such pendency of the proceedings an application has been moved under

Order 11 Rule 12 CPC asking to produce the resolution dated 28.10.2018 in original on which the respondent No.2 claiming his right to be a trustee. It is contended that Registrar, Public Trust has neither decided such application nor has passed any order and simply adjourned the case, therefore, the order would be bad in law. He would further submit that either the Registrar could have rejected the application or could have allowed the application but adjournment on this ground cannot be allowed.

4. Perused the order. The order purports that the application having been filed under Order 11 Rule 12 read with Section 151 CPC, the same was adjourned to be decided at the time of final hearing and the reason was assigned that the proceeding has suffered a considerable delay.
5. Order 11 Rule 12 CPC postulates that any party without filing any affidavit, may apply to the Court directing the other party to make a discovery on oath of the documents which have been in his possession or power and the Court after hearing may either refuse or adjourn the same, if satisfied that such discovery is not necessary.
6. Order 11 Rule 12 read with Section 151 CPC is to shorten the scope of evidence. The petitioner herein claims that the resolution dated 28.10.2018 on which the respondent No.2 claims to have become the trustee, sought for production, the petitioner herein is the trust. Therefore, it is obvious that they may be in the possession of the document they are being the trust.
7. The order of the Registrar, Public Trust, whereby the application of the petitioner, by which the document which is sought for, was adjourned and it was

observed that it would be decided at the time of final hearing, I do not find any illegality in such order as the Order 11 Rule 12 CPC gives the power to the Court to adjourn the application of like nature. The petitioner if wants to rely on certain evidence, they may produce it during the hearing as they are the trust herein and are expected to be in possession of document for which production is sought for.

8. Consequently, in view of the above, I am not inclined to entertain this petition. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu