

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.522 of 2020

- Chandra Prakash Awasthi S/o Shri R.L. Awasthi Aged About 55 Years
R/o L/5, Vinoba Nagar, District Bilaspur Chhattisgarh

---- Applicant

Versus

1. Smt. Reeta Pandey W/o Ramesh Chandra Pandey Aged About 43 Years R/o Geetanjali City Phase 02, Behatarai Road, Bilaspur, District Bilaspur Chhattisgarh.
2. Ramesh Chandra Pandey S/o Late Shri Ramashankar Pandey Aged About 59 Years R/o 140 Geetanjali City Phase 02, Behtarai Road, Bilaspur, District Bilaspur Chhattisgarh.
3. Smt. Geeta Chouksey W/o Shri K.K. Chouksey Caste Kalar, R/o S.E.C.L. Pariyojna (Gevra), Tehsil Katghora, District Korba Chhattisgarh.

---- Non-applicants

For Applicant

– Mr. Anup Majumdar, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-01-2021

Heard.

1. This petition has been brought seeking indulgence of this Court under Article 227 of Constitution of India to interfere with the impugned order dated 10.02.2020 passed by the learned trial Court in Civil Suit No. 182-A/2014.
2. It is submitted by the learned counsel for the petitioner that the petitioner had served a notice to produce documents under Order 11 Rule 16 of C.P.C. upon the respondent.
3. In reply, the respondent submitted some documents but not all the documents as were required to be produced according to the notice, even then without considering this fact that the document demanded to

be produced were not produced, the Court has simply disposed off the application by observing that the notice has been complied with. Hence, this part of the order is erroneous, which needs to be set aside.

4. Considered on the submissions. The petition is disposed off at the motion stage. The impugned order so far it relates to the order passed on application under Order 11 Rule 16 of C.P.C. is set aside and the learned trial Court is directed to give opportunity of hearing to the parties again and decide the application afresh.
5. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Monika