

111 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-882-2021
Date of Decision: 03.09.2021

M/S TANYA ENTERPRISES

...Petitioner

Versus

JAI SHIV SHANKAR TRANSPORT COMPANY AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rajan Bansal, Advocate
for the petitioner.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Revision petition herein is for setting aside the impugned order dated 17.02.2021 (Annexure P-7) passed by learned Civil Judge (Senior Division), Bathinda, whereby, an application filed by the petitioner under Order 11 Rule 1 read with Section 151 CPC for permission to deliver interrogatories for examination of defendant-respondents was dismissed.

2. Learned counsel for the plaintiff/petitioner submits that a recovery suit was filed by the plaintiff/petitioner against respondent on the ground that they have not been paid for the work (lifting of 1500 MT Dry Fly Ash) being done by them. However, during pendency thereof, permission sought by plaintiff to deliver interrogatories for examination of defendant-respondent was declined vide impugned order dated 17.02.2021 (Annexure P-7). Hence, the present petition.

3. Heard.

4. While there is no quibble about the right of the parties to invoke provisions under Order 11 Rule 16, provided the information sought therein is in possession of the other party alone and the same has a direct nexus and is relevant with the dispute, in question. However, a perusal of the interrogatories served upon the defendants would reveal that the same are more than in the nature of roving enquiry, without there being any specific details qua the nexus with the dispute, as well as the relevancy thereof, at this stage. The interrogatories are more in the nature of questions, to be put at the time of cross-examination of the defence witnesses.

5. Under the garb thereof, the plaintiff seems to be more interested in gathering evidence from defendant, of which the initial onus of adducing the same is otherwise on it.

6. In the premise, no grounds for interference are made out as the impugned order dated 17.02.2021 (Annexure P-7) passed by the trial Court is based on the valid reasoning that all interrogatories are nothing but mere questions which are to be asked by way of cross-examination at the time of defence evidence.

Dismissed.

September 03, 2021
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No