

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-1565-2021

Date of decision:-16.8.2021

Manjit Kaur

...Petitioner

Versus

Santosh Kumar and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Dr.G.S. Brar, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

This revision petition is directed against order dated 19.7.2021 passed by Civil Judge (Jr.Divn.), Patiala vide which such Court had dismissed the application filed by defendant – Manjit Kaur for directing plaintiff Santosh Kumar to produce latest electricity and sewerage bill of suit property situated at Mohalla Dhanka Dharampura Bazar, Patiala.

Briefly stated, the facts of the case are that plaintiff Santosh Kumar had brought a suit for permanent injunction restraining Vishal Nehra – defendant and persons claiming under him from interfering in

peaceful possession of plaintiff over House No.B-22/54/B-22/546,, Mohalla Dhanka, Dharampura Bazar, Patiala. In that suit, defendant Vishal Nehra had put in appearance. Manjit Kaur was also impleaded as defendant in the said suit. During proceedings of the civil suit, an application was moved on behalf of defendant No.2 Manjit Kaur for directing the plaintiff to produce latest electricity and sewerage bill relating to suit property contending that plaintiff is residing in the suit property as servant of Pardeep Kumar and he has intentionally not produced electricity and sewerage bill since those are in the name of Budh Singh, father-in-law of defendant No.2 – Manjit Kaur and such documents are necessary to file reply to application for appointment of local commission.

That application was opposed on behalf of the plaintiff contending that he has already placed on record his residential proof and there is no need to produce the bills asked for.

After hearing the rival contentions, the trial Court of Civil Judge (Jr.Divn.), Patiala dismissed the said application observing that the documents in question are not relevant at this stage for filing of reply to application for appointment of local commission.

The defendant No.2 – Manjit Kaur felt aggrieved by the said order and has brought the present revision petition.

I have heard learned counsel for the revisionist/petitioner besides going through the record and I find that there is absolutely no merit in the revision petition.

Section 115 of the Code of Civil Procedure, 1908 deals with

power of revision providing that the High Court may call for the record of any case which has been decided by any Court subordinate to such High Court and in which no appeal lies thereto, and if such subordinate Court appears

- (a) to have exercised a jurisdiction not vested in it by law, or
- (b) to have failed to exercise a jurisdiction so vested, or
- (c) to have acted in the exercise of its jurisdiction illegally or with material irregularity

The High Court may make such order in the case as it thinks fit.

Under Order XI CPC the plaintiff or defendant by leave of the Court can deliver interrogatories in writing for examination of the opposite parties or anyone or more of such parties asking for production of documents or making any admission etc. An application for discovery of documents can also be made under this provision. But it is for the Court concerned to decide as to whether the documents sought to be got produced are relevant and necessary for the just decision of the case. Here defendant No.2 had called upon the plaintiff to produce electricity and sewerage bills allegedly in the name of Budh Singh, father-in-law of defendant No.2 but the purpose mentioned was to file reply to the application for appointment of local commission. The reason given is least convincing. How and in what manner the electricity and sewerage bills are relevant for filing reply to application for appointment of local commission has not been explained satisfactorily. Such defendant can certainly file reply to the application without getting such bills produced from the plaintiff. Even otherwise, defendant No.3 could have got the

copies of the relevant record from the concerned department by filing application under Right to Information Act or getting the record summoned from the concerned department at appropriate stage.

The order passed by the trial Court is quite, well reasoned, based on proper appraisal and appreciation of correct, factual as well as the legal position. It is certainly not perverse, arbitrary or against the settled legal proposition. There is no reason to interfere with the said order by way of exercising revision jurisdiction.

Thus, finding no merit in the civil revision petition, the same stands dismissed.

16.8.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No