

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

108

**CR-1037 of 2019 (O&M)
Date of decision: 23.12.2022**

Punjab Agro Industries Corporation Ltd.

..Petitioner

Versus

Anupa Kapoor

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Somesh Gupta, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

In a suit filed by the employee against his employer, an application filed by the employee for directing the employer to produce certain documents has been allowed.

This revision petition has been filed challenging its correctness. The plaintiff has filed a suit seeking declaration while challenging the correctness of the order of punishment whereby two increments with cumulative effect have been withheld. During the pendency of the suit, she filed an application to direct the defendants to produce the following documents:-

- “a) Order No.PAIC/PERS/LEGAL/2016/2442-48 dated 21.12.2016
- b) Order No.PAIC/PERS/LEGAL/2013/8217 dated 08.01.2013
- c) Reply submitted by the plaintiff to the charge sheet
- d) Enquiry report.
- e) Letter dated 19.09.2013 submitted by the plaintiff.
- f) FIR NO.177 dated 14.11.2014.
- g) Order of dismissing of Rakesh Raj Palta
- h) Copy of Recovery suit filed by the department against Rakesh Raj Palta and others.”

The court has directed the defendant to produce the same.

The learned counsel representing the petitioner contends that the respondent herein is the plaintiff in the suit and therefore, she is required to produce the said documents in accordance with Order VII Rule 14 CPC. He submits that the petitioner is not in possession of FIR No.177 dated 14.11.2014.

Order VII Rule 14 of the Code of Civil Procedure, 1908 provides that if the plaintiff sues upon a document or relies upon a document in his possession or power, then he shall enter all such documents in a list and shall produce them in the court. Thus, the original documents should be in the possession of the plaintiff.

In the present case, the original documents except the FIR are supposed to be in possession of the employer. In such circumstances, the trial court has not erred in directing the defendant to produce the same.

As regards the FIR, the petitioner shall be at liberty to file an affidavit that the FIR is not in possession of the petitioner. If such an affidavit is filed, the court shall not compel the petitioner to produce the same.

With these observations, the revision petition is dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

December 23, 2022

nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*