

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2786-2022

DATE OF DECISION: JULY 20, 2022

NEW HAPPY CHILD SR.SEC. SCHOOL, KHOR ...PETITIONER

VERSUS

SHRI BHAGWAN ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. RAM PAL VERMA, ADVOCATE FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

The petitioner-plaintiff has preferred this revision petition to challenge the order dated 11.3.2022 passed by the Addl. Civil Judge (Sr.Divn.), Pataudi, whereby application filed by the respondent-defendant for producing School Leaving Certificate as well as 10th Marksheet was allowed.

Learned counsel for the petitioner has argued that the Civil Judge(Sr.Divn.), Pataudi, has exceeded his jurisdiction in accepting the application filed by the respondent-defendant under Section 151 CPC thereby directing the plaintiff to produce the School Leaving Certificate and 10th class Marksheet of defendant (student) in the Court. He submits that the student is in arrears of school fee and the suit filed by the petitioner-plaintiff is for recovery of ₹67,000/- alongwith interest @ 24% per annum and the receipts relied upon by the respondent-defendant regarding payment of fee are forged. He submits that the impugned order deserves to be set aside.

During the course of hearing, it is not disputed by the learned

counsel that the marksheet and the school leaving certificate are being withheld for the reason that the student had not cleared the arrears of school fee.

Heard.

Upon considering the submissions of the learned counsel as well as the nature of suit, this Court is of the opinion that once the school has adopted the remedy of recovering of amount from the respondent-defendant, they are not justified in withholding the marksheet of the student as well as the school leaving certificate and apart from this, by way of impugned order, the plaintiff has been directed to produce these documents before the Court. Consequently, this Court is not inclined to exercise the revisional jurisdiction.

Petition is dismissed.

July 20, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No