

CR-5893-2022

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

CR-5892-2022

Date of Decision: December 14, 2022

Shri Atma Nand Jain Sabha (Regd.) and another ...Petitioners

Versus

Ajay Kumar Jain and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Arihant Jain, Advocate for the petitioners.

DEEPAK GUPTA, J.(Oral)

Petitioners-plaintiffs had moved an application for directing defendant Nos.2 and 3 to place on record the documents to the effect that they are the President and General Secretary of Shri Atma Nand Jain Sabha. However, these defendants denied the possession of the documents as demanded by the plaintiffs and took the stand that these were in possession of defendant No.1. Application was dismissed by learned Trial Court vide impugned order dated 16.11.2022 on this ground.

2. Learned counsel contends that in another litigation, defendant No.1 denied the possession of the documents. In the present case, said defendant No.1 has been proceeded ex parte. He and defendant No.2 are in relation and that documents are not being intentionally produced.

3. Learned counsel further submits that petitioners will be satisfied if a direction is issued that in view of under Section 164 of the Indian Evidence Act, as defendants have refused to produce the

documents of which they have notice to produce, they will not be allowed to afterward use the documents as evidence without consent of the petitioners-plaintiffs.

4. The request of the petitioners-plaintiffs to that extent is allowed. Defendants-respondents will not be allowed to produce the documents in evidence as were asked by the petitioners-plaintiffs, in view of Section 164 of the Indian Evidence Act.

5. Revision is disposed of accordingly.

6. This order has been passed without serving notice to the respondents in order to avoid any delay in the matter. However, if the respondents are aggrieved by this order, they can approach this Court.

December 14, 2022

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No