

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 7998 of 2019 (O&M)

Reserved on : 29.08.2022

Date of Decision: 20.09.2022

Sanjeev Kumar Jain

....Petitioner

VERSUS

Shri Mahavir Jain Sabha (Regd.) and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Veneet Sharma, Advocate for the petitioner

ALKA SARIN, J.

The present revision petition under Article 227 of the Constitution of India has been preferred against the order dated 18.09.2019 (Annexure P-4) passed by the Civil Judge (Junior Division), Patti whereby the application filed by the plaintiff-petitioner under Order XII Rule 8 CPC has been dismissed.

The brief facts relevant to the present *lis* are that the plaintiff-petitioner filed a suit for rendition of accounts of Shri Mahavir Jain Sabha (Regd.) Patti, Tehsil Patti, District Tarn Taran w.e.f. 2013-14, 2014-15, 2015-16 and 2016-17 and its income and expenditure with consequential relief of mandatory injunction directing the defendant-respondents to call the General House Meeting of Shri Mahavir Jain Sabha (Regd.) Patti, Tehsil Patti, District Tarn Taran and place the accounts in the General House Meeting for verification.

When the case was fixed for cross-examination of the defence witnesses, an application was filed by the plaintiff-petitioner under Order XII Rule 8 CPC for production of documents. A notice was issued under Order XII Rule 8 CPC to produce the balance sheets, details of cash in hand,

account books, bill books of Shri Mahavir Jain Model School, Patti and Shri Mahavir Jain Sabha w.e.f. 2013-14, 2014-15, 2015-16 and 2016-17 along with income and expenditure of Shri Mahavir Jain Sabha Patti (Regd.) and Shri Mahavir Jain Model School Patti (Regd.). Reply to the said application was filed by the defendant-respondents. The application filed by the plaintiff-petitioner was dismissed vide the impugned order dated 18.09.2019. Hence, the present revision petition.

Learned counsel for the plaintiff-petitioner would contend that the said documents are necessary for proper cross-examination of the witnesses since all the documents are in possession of the defendant-respondents.

I have heard learned counsel for the plaintiff-petitioner.

The suit in the present case has been filed for rendition of accounts of Shri Mahavir Jain Sabha (Regd.) Patti, Tehsil Patti, District Tarn Taran w.e.f. 2013-14, 2014-15, 2015-16 and 2016-17 and further for relief of mandatory injunction calling the General House Meeting of Shri Mahavir Jain Sabha (Regd.) Patti, Tehsil Patti, District Tarn Taran and place the accounts in the General House Meeting for verification. The documents sought to be produced are the very documents *qua* which the present suit has been filed. The Trial Court in the impugned order held that *“All the above said documents can be produced only if the relief claimed by the plaintiff in the present suit is allowed. Without decision of the present case, no directions can be given to the defendants to produce the above said documents. Giving any direction to the defendants to produce the above said documents at this stage will amount to premature decretal of the suit of the plaintiff”*. Keeping in view the main relief sought in the suit, the Trial Court

has rightly dismissed the application filed by the plaintiff-petitioner under Order XII Rule 8 CPC. I do not find any illegality or infirmity in the impugned order passed by the Trial Court.

The present revision petition being devoid of any merits is dismissed. Pending applications, if any, also stand disposed off.

Dismissed.

20.09.2022
jk

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO