

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CR No.3975 of 2017 (O&M)
Date of Decision : 16.03.2023**

Raghbir

....Petitioner

VERSUS

Pardeep and Others

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kanwar Abhey Singh, Advocate for
Mr. Govind Rana, Advocate for the petitioner.

Mr. Amit Jain, Advocate for the respondents.

ALKA SARIN, J. (Oral)

The present revision petition has been filed challenging the order dated 04.05.2017 whereby the application filed by the petitioner under Order XI Rule 14 of the Code of Civil Procedure, 1908 for production of necessary documents has been dismissed.

This Court in the case of **Desa Singh through LRs vs. Sukhraj Kaur & Ors. [2019(2) PLR 715]** has held as under :

“10. From the arguments raised by learned counsel for the parties, this Court finds that the defendant has not denied the existence of document in specific terms, rather the stand taken by the defendant is that she will lead evidence/documentary evidence at the relevant time. The Court has to satisfy itself with regard to necessity and relevancy of the document. The Court has to record its satisfaction in terms of provision of Order 11 Rule 12 CPC that the document in question is not necessary either for disposing fairly of the suit or for

saving costs. On that premise, the Court has to record findings in respect of satisfaction and the possession of the document with the defendant. It appears from the record that the trial Court has not acted in a judicious manner to answer the compliance of Order 11 Rules 12 and 14 CPC while deciding the application in question.

11. In Sharvan Kumar Vs. Sumeet Kumar Garg, 2002(3) PLR 666, it was held that nature of provision itself does not leave any room to refuse such a request. The only exception that can be made is with regard to privilege document under Sections 122, 123 and 124 of the Indian Evidence Act. This rule is entirely different to Order 11 Rule 12 CPC which is confined to discovery of document. Under Order 11 Rule 14 CPC, all the documents are required to be produced as long as they are found to be relevant. Under Order 11 Rule 12 CPC, party can be asked to make discovery on oath, of document which is in his possession or power. If such discovery is found to be unnecessary, then such a prayer can be rejected on the ground that it is not necessary for disposing of the suit.”

Learned counsel for the parties are *ad idem* that the impugned order in the present case does not record any reason or satisfaction that the documents sought to be produced under Order XI Rule 14 CPC are necessary for deciding the controversy in hand.

In view of the above, the impugned order is set aside and the matter is remanded to the Trial Court for a decision afresh on the

application. Since the suit has been pending since 2013, the Trial Court is requested to expedite the hearing of the case and decide the same as early as possible.

Disposed off in the above terms. Pending applications, if any, also stand disposed off.

16.03.2023
jk

(ALKA SARIN)
JUDGE

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