

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

**Civil Revision No. 6141 of 2023(O&M)
Date of Decision: 19.10.2023**

M/s Salwan Fabrics Pvt. Ltd.

...Petitioner

Versus

Zorawar Singh

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Pankaj Bali, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner/ plaintiff seeking setting aside of order dated 11.09.2023 (Annexure P-4) passed by the Court of Additional Civil Judge (Sr.Divn.), Khanna whereby the application filed by respondent/ defendant seeking direction to the petitioner to produce the original documents for the purpose of inspection and to supply legible copies of the same to the respondent for filing of effective written statement, has been partly allowed.

2. The counsel for the petitioner while assailing the impugned order, *inter alia*, submits that respondent filed one application directing the petitioner to produce the following documents:-

“(i) Complete list of Directors of plaintiff company including their names (old & new directors) with their complete addresses & their share in the said company & shareholders of the plaintiff company since beginning uptill now.

(ii) *Complete details of bank account of plaintiff company including ITR & balance sheets in complete form (i.e. income, expenses, liabilities) & other documents submitted by the plaintiff company to the ROC office through official portal & directly since beginning uptill now.*

(iii) *Complete details of alleged sale of residential & commercial plots to different purchasers & firms by the M/s Raj Shree Infratech Pvt. Ltd. since beginning uptill now including their names & addresses as well as complete detail of litigation pending with regard to the properties of Raj Shree.*

(iv) *All resolution passed by the plaintiff company uptill now including minutes book & details vide which all the transactions & material charges & alterations has been conveyed to the authority under company law.*

(v) *Complete list of Directors of M/s Raj Shree Infratech Pvt. Ltd. including their names (old & new directors) with their complete addresses & their share in the said company as well as complete details of shareholders of M/s Rajshree Pvt. Ltd. since beginning uptill now.”*

3. It is further contended that the said documents have got no bearing on the subject matter in dispute and are totally irrelevant and as such the trial Court fell into error by partly allowing the said application with regard to documents listed at Sr.No. (i), (iii) and (v) as detailed in the concerned application. So, prayer is made that the impugned order be set aside.

4. I have considered the submissions made by counsel for the petitioner.

5. From the perusal of Annexure P-1 it appears that petitioner filed suit for declaration against the respondent to the effect that the alleged

fabricated document and is not binding on the petitioner and further suit for permanent injunction restraining the respondent from interfering into peaceful possession of the petitioner over house bearing Unit No. 190 shown as red in the site plan and situated in Sunder City, Samrala Road, Khanna and further restraining the respondent from creating any charge over the aforesaid house. The respondent appeared in the trial Court and filed aforesaid application seeking direction to petitioner to produce documents detailed as (i) to (v) in the said application and the said application was partly allowed regarding documents mentioned at Sr. No.(i), (iii) and (v).

6. It is not clear as to how complete list of Directors of petitioner company including their names and addresses and their shares in the said company since beginning till now, complete details of bank account of petitioner company including income tax return and balance sheet and other documents and complete details of alleged sale of residential and commercial plots to different customers by M/s Raj Shri Infratech Pvt. Ltd. and complete details of litigation pending with regard to properties of said firm and all the resolutions passed by the petitioner company and complete list of Directors of M/s Raj Shri Infratech Pvt. Ltd. are relevant for proper adjudication of the suit or are otherwise required for filing of written statement by the respondent. The application moved by the respondent with regard to production of documents is totally silent with regard to aforesaid aspects. The trial Court is under duty to see as to whether the aforesaid documents are necessary for just adjudication of the case and if so in what manner.

7. In the light of above discussion, this Court is of the view that the impugned order being erroneous and perverse is liable to be set aside.

8. Consequently, the present petition is allowed and the impugned order is set aside with direction to the trial Court to decide afresh the application filed by the respondent in accordance with law without being influenced by the observations made hereinabove. However, the trial Court is to take into consideration the relevance of the aforesaid documents before passing a fresh order.

9. Keeping in view the circumstances mentioned above, this petition is being disposed of without issuing any notice to the opposite party. If respondent is summoned to contest this litigation, he will have to incur huge expenses to defend this case. However, liberty is granted to the respondent that if he feels dissatisfied with this order, he may move an application to recall the same.

19.10.2023

Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No