



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

122

CR No.2957 of 2024

Date of Decision : 15.05.2024

Harjit Singh

....Petitioner

VERSUS

Jaswinder Kaur Laly @ Jaspinder Kaur and Others

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jagjit Singh, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision has been filed under Article 227 of the Constitution of India challenging the orders dated 03.04.2024 and 01.05.2024 (Annexures P-4 and P-6) whereby the application filed by the defendant No.2-petitioner herein for production/discovery of documents by the plaintiff-respondents has been dismissed. Vide order dated 01.05.2024 the review petition was also dismissed.

2. The brief facts relevant to the present *lis* are that the plaintiff-respondents filed a suit for declaration to the effect that they are joint owners in possession to the extent of 1/5th share in land fully described in the heading of the plaint as well as for permanent injunction restraining the defendants from alienating, transferring or creating any charge over the land. The case of the plaintiff-respondents was that the suit land was in the name of Pritam Singh being *Karta* of the joint Hindu family coparcenary consisting of deceased Pritam Singh, Chitmail Singh and the defendants. It



was further averred that Pritam Singh had inherited moveable assets from his father, who in turn had inherited the same from his grandfather by way of natural inheritance and with the assets of moveable property had purchased the land as stated in the head-note. It was further the case set up that deceased Chitmail Singh and the defendants also contributed towards income of the joint Hindu family coparcenary property. An application was filed by the defendants for production/discovery of documents. Reply was filed to the same. Vide the impugned order dated 03.04.2024 the said application was dismissed. Subsequently, a review petition was filed which was also dismissed vide order dated 01.05.2024. Hence, the present revision petition.

3. Learned counsel for the defendant No.2-petitioner would contend that no document showing the nature of the property or the fact that Pritam Singh was *Karta* of the joint Hindu family coparcenary property has been appended with the plaint and hence the application for production of the documents ought to have been allowed.

4. Heard.

5. In the present case the suit is for declaration to the effect that the plaintiff-respondents are joint owners in possession to the extent of 1/5th share in land as described in the plaint on the basis that the property in dispute is joint Hindu coparcenary property. The *jamabandis* as noticed in the order dated 03.04.2024 have already been appended with the plaint. It would be a matter of evidence which would be led by the parties after the pleadings are completed as to how and on what basis the nature of the property is proved by the plaintiff-respondents. At this stage the application for production of documents has rightly been rejected. Even otherwise, a



perusal of the application itself shows that the same is totally bereft of any details of the documents which are being sought to be produced and an omnibus prayer has been made in the application for production of documents without stating the documents required to be produced.

6. In view of the above, I do not find any merits in the present revision petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

15.05.2024
jk

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