



\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 24th July, 2024***

+ **CM(M) 1179/2023**

MR.INDERPREET SINGH GULATIPetitioner

Through: Mr. Vikrant Choudhary with
Mr. Rohtash Kumar, Advocates.
(through video conferencing)

versus

VIKAS ARORARespondent

Through: Ms. Smriti Varma with Ms. Upasna
Nayyar, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner is plaintiff before the learned Trial Court and has filed a suit for recovery of Rs.8,51,935/- with interest.
2. According to plaintiff, the defendant (respondent herein) had been regularly purchasing various electronic goods from him and he had been raising various bills/invoices which were duly acknowledged. However, despite there being a running account maintained by the plaintiff, the outstanding amount was not cleared and, therefore, the suit in question was filed.
3. Admittedly, the suit is now at the stage of final arguments.
4. During course of the proceedings, the plaintiff had moved an



application under Order XI Rule 14 read with Section 151 CPC praying for production of the following documents while claiming as under:-

“4. That the plaintiff require the below mentioned documents which are in your legal possession for the inspection and for further cross examination: -

a) The original audited balance sheet along with all the annexures and with Debtor- Creditor list for the time period from 2014 till 2021.

b) The GST 2A documents for the year of 2018-2019.

c) The Income tax return along with audited Debtor-Creditor list for the time period from 2014 till 2021.

5. That the above mentioned documents are required by the inspected by the plaintiff and further required for the proper and just adjudication of the present suit.

6. That the plaintiff had issued the notice for production of the above mentioned documents, whereby still the plaintiff had not yet received the said documents. The copy of the notice and postal receipt are enclosed herewith.”

5. Such application did not find favour with the learned Trial Court and was dismissed on 17.05.2023 and feeling aggrieved, the present petition has been filed.

6. Needless to emphasize, the application moved before the learned Trial Court is found to be very sketchy and no reason and the relevancy of such documents has been explained. It was also not elucidated therein as to why such kind of application was not moved by the plaintiff at the earliest available opportunity.

7. In the garb of the aforesaid application, the plaintiff cannot be permitted to embark upon a self-styled inquiry with respect to the



manner in which the account is being maintained by its adversary i.e. defendant. After all, the petitioner is plaintiff before the learned Trial Court and he has to prove his case by proving the accounts, which he himself contends that he was maintaining all along. For all practical purposes, the plaintiff has to stand on his legs.

8. Moreover, as rightly observed by the learned Trial Court, the plaintiff failed to provide any specific reason, necessity and the relevancy of said documents. Merely because the plaintiff was uncertain or not very sure about the insistence in this regard, would not give him an automatic right or handle to move such application, particularly, at the fag end of the case.

9. I, therefore, do not find any reason to come to any different view.

10. Finding no merit or substance in the present petition, the same is hereby dismissed.

(MANOJ JAIN)
JUDGE

JULY 24, 2024
st