HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 20867/2018

1. Kamaruddin Khan Son Of Rehman, Resident Of Village Sahuwas, Tehsil Kishangarh-Bass, District Alwar, Rajasthan
2. Jumma Son Of Hasnu, Aged About 55 Years, Resident Of Village Sahuwas, Tehsil Kishangarh-Bass, District Alwar, Rajasthan

----Petitioners

Versus

1. Dharmveer Son Of Shri Girdhar Singh, Resident Of House No.119 A, Vijay Park, Pratap Nagar, Gurdaon (Haryana)
2. Madduram Son Of Shri Girraj Singh, Resident Of House No.119 A, Vijay Park, Pratap Nagar, Gurdaon (Haryana)
3. Vedram Son Of Late Ramniwar (Deceased), Resident Of House No.119 A, Vijay Park, Pratap Nagar, Gurdaon (Haryana)

3/1. Santosh Widow Vedram, Aged About 40 Years, Resident Of House No.119 A, Vijay Park, Pratap Nagar, Gurdaon (Haryana)

3/2. Manisha Daughter Of Vedram, Aged About 21 Years, Resident Of House No.119 A, Vijay Park, Pratap Nagar, Gurdaon (Haryana)

3/3. Vikram Son Of Vedram, Aged About 19 Years, Resident Of House No.119 A, Vijay Park, Pratap Nagar, Gurdaon (Haryana)

3/4. Deepak Son Of Vidram, Aged About 16 Years, Minor Through Natural Mother And Guardian Santosh, By Caste Gurjar Resident Of House No.119 A, Vijay Park, Pratap Nagar, Gurdaon (Haryana)

4. Rehman (Deceased), Aged About 60 Years, R/o Of Village Sanuwas Teh. Kishangarh Bass Distt. Alwar (Raj)

4/1. Batto Widow Rehman, R/o Of Village Sanuwas Teh. Kishangarh Bass Distt. Alwar (Raj)

4/2. Hamid Khan Son Of Rehman, R/o Of Village Sanuwas Teh. Kishangarh Bass Distt. Alwar (Raj)

4/3. Fazruu Khan Son Of Rehman, R/o Of Village Sanuwas

Teh. Kishangarh Bass Distt. Alwar (Raj)

4/4. Banna Khan Son Of Rehman, R/o Of Village Sanuwas Teh. Kishangarh Bass Distt. Alwar (Raj)

4/5. Aas Mohammad Son Of Rehman, R/o Of Village Sanuwas Teh. Kishangarh Bass Distt. Alwar (Raj)

4/6. Aasiya Daughter Of Rehman, R/o Of Village Sanuwas Teh. Kishangarh Bass Distt. Alwar (Raj)

4/7. Mapiya Daughter Of Rehman, R/o Of Village Sanuwas Teh. Kishangarh Bass Distt. Alwar (Raj)

----Respondents

For Petitioner(s)	:	Mr. Manoj Kumar Bhardwaj
For Respondent(s)	:	Mr. R.K. Mathur, Sr. Adv. With Mr. Ayush Goyal

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HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA

Order

03/12/2024

This civil writ petition has been filed by the petitioners-defendants (for short 'the defendants') against the order dated 16.08.2018 passed by the Additional District Judge No.2, Kishangarh Bass, District Alwar in civil suit No. 150/2011 whereby the application filed by the defendants under Order 8 Rule 1 A(3) has been dismissed.

Learned counsel for the defendants submits that respondent Nos. 1 to 3-plaintiffs (for short 'the plaintiffs') filed a suit against the defendants for specific performance of the agreement to sell and permanent injunction. Learned counsel further submits that the defendants filed an application under Order 11 Rule 12 CPC for procuring the original notice dated 20.06.2006 but the trial Court vide order dated 16.08.2016 dismissed the application filed by the

defendants. Learned counsel further submits that the defendants filed application under Order 8 Rule 1 A(3) CPC for producing documents on record (including carbon copy of notice) but the trial Court vide order dated 16.08.2018 dismissed the same. Learned counsel further submits that the trial Court while dismissing the application filed by the defendants under Order 11 Rule 12 CPC observed that the defendants could produce carbon copy of the said notice. Defendants were having carbon copy of the said notice, so they filed the present application under Order 8 Rule 1 A(3) CPC but the trial Court wrongly dismissed the application filed by the defendants.

Learned counsel for the plaintiffs has opposed the arguments advanced by counsel for the defendants and submitted that the trial Court rightly dismissed the application filed by the defendants. So, the present petition being devoid of merit, is liable to be dismissed.

I have considered the arguments advanced by counsel for the parties and perused the impugned order.

Looking to the facts and circumstances of the case, I deem it fit to allow the petition filed by the defendants.

Petition filed by the defendants is allowed. The order dated 16.08.2018 passed by the trial Court qua application under Order 8 Rule 1 A(3) CPC stands set aside. The trial Court is directed to take the document (including carbon copy of notice) filed by the defendants on record.

(NARENDRA SINGH DHADDHA),J

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