

2025:PHHC:000685

Date of Decision: 07.01.2025.

...Petitioner.

....Respondents.

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This order will dispose of three revision petitions bearing CR-
CR-7497-2024 and CR-7515-2024, the same being the
matters and arising out of CIS No.CS/8011/2019, CIS

No.CS/8012/2019 and CIS No.CS/8013/2019, vide which orders dated 02.04.2024 passed on the application for directing the respondents/defendants to produce the original documents for inspection and supply true copies to plaintiff have been declined.

2. Brief relevant facts for adjudication of the aforesaid revision petitions are that in all the aforesaid suits, plaintiff sought decree for recovery against the defendants and these cases were fixed for plaintiff evidence. The applications were filed in the aforesaid suits by the plaintiffs, for directing the defendants to produce the original documents for inspection and supply true copies to the plaintiff.

3. In the application filed in CIS No.CS/8011/2019, it was submitted that the original partnership deed of M/s Ved and Brothers dated 01.04.1988 constituted by Darshan Lal and Ved Parkash and the partnership deed dated 16.09.2018 constituted by Ved Parkash and his son Varun Bathla are in possession and power of respondents/defendants and dissolution deed of said firm dated 15.09.2018 was also in possession of defendant No.2. The entire record of the said firm including books of account and balance sheets prior to 15.09.2018 and after 15.09.2018 are in possession and power of defendants No.1 and 2. So, it was alleged that in order to prove his case in proper and effective manner, defendants be directed to produce on record the aforesaid original documents for inspection and supply the true copies to the plaintiff.

In reply to the said application, it was submitted that earlier application dated 22.01.2021 under Order 11 Rules 14 and 15 CPC was filed by the plaintiff and documents were produced before the Court and

now the second application was not maintainable. It was submitted that the original partnership deed dated 01.04.2008 is not in power and possession of the defendants and defendants are not in possession of the entire record of firm M/s Ved and Brothers prior to 15.09.2018 and same is in possession of Darshal Lal.

4. In CIS No.CS/8012/2019 also, application of similar nature was moved while alleging that the original partnership deed of M/s Ved and Brothers dated 01.04.2008 constituted by Darshan Lal and Ved Parkash and reconstituted partnership deed dated 16.09.2018 constituted by Ved Parkash and his son Varun Bathla and dissolution deed dated 15.09.2018 are in possession and power of respondents/ defendants and dissolution deed dated 15.09.2018 of the firm was also in their possession. The entire record of the firm including books of account and balance sheet after 15.09.2008 and prior to 15.09.2018 are in possession and power of defendants No.1 and 2. In absence of the aforesaid original documents, plaintiff was unable to lead evidence and it was requested that the defendants be directed to produce on record the aforesaid original documents for inspection and supply the true copies to the plaintiff.

In reply to the said application, it was submitted that earlier application dated 22.07.2021 under Order 11 Rule 14 and 15 CPC was filed by the plaintiff and documents were produced before the Court and now the second application was not maintainable. It was submitted that the original partnership deed dated 01.04.2008 is not in power and possession of the defendants and defendants are not in possession of the entire record of firm M/s Ved and Brothers prior to 15.09.2018 and same is in possession of

Darshal Lal.

5. In CIS No.CS/8013/2019, similar application was moved alleging that the original partnership deed of M/s Ved and Brothers dated 01.04.1988 constituted by Darshan Lal and Ved Parkash and the partnership deed dated 16.09.2018 constituted by Ved Parkash and his son Varun Bathla are in possession and power of respondents/ defendants and dissolution deed of the firm was also in their possession. The entire record including books of account and balance sheet prior to 15.09.2018 and after 15.09.2018 are in possession and power of defendants No.1 and 2. The income tax returns of the said firm prior to 15.09.2018 and after 15.09.2018 were also in possession of defendant No.2. So, it was alleged that in order to prove his case in proper and effective manner, defendants be directed to produce on record the aforesaid original documents for inspection and supplying the true copies to the plaintiff, so as to enable the plaintiff to lead evidence for proving his case in a proper and effective manner.

In reply to the said application, it was submitted that earlier application under Order 11 Rule 14 and 15 CPC was filed by the plaintiff and now the second application was not maintainable. It was submitted that the original partnership deed dated 01.04.2008 is not in power and possession of the defendants and defendants are not in possession of the entire record of firm M/s Ved and Brothers prior to 15.09.2018 and same is in possession of Darshal Lal.

6. All the aforesaid applications for production of documents were dismissed by learned trial Court vide orders dated 02.04.2024. Aggrieved against the said orders, the aforesaid revision petitions have been filed.

7. I have heard learned counsel for the petitioner(s) and have gone through the relevant record.

8. Plaintiffs have filed aforesaid civil suits against the defendants seeking recovery of the amount. As per order 11 Rule 14 CPC, at any time during the pendency of any suit, the Court may order production by any party of such documents in his possession or power relating to any matter in question, in such suit as the Court shall think right and Court may deal with such documents, when produced in such manner as shall appear just.

9. The perusal of the reply filed by the defendants shows that it was submitted that the documents, production of which was sought by the plaintiffs from the defendants were not in their possession. Accordingly it was held by learned trial Court that no direction can be given to the defendants for production of such documents which were not in their possession. The specific observation is also there by the learned trial Court that defendants were precluded from producing the same documents during the trial except with the permission of the Court. Otherwise also, if the defendants have alleged that the documents whose production was sought were not in possession of the defendants and later on if such documents are produced by the defendants then the adverse inference may be drawn regarding the same at the appropriate stage by the trial Court.

10. Thus, there being no illegality or infirmity in the impugned orders, no interference therewith is called for while exercising the revisional jurisdiction. The aforesaid revision petitions being bereft of any merits stand dismissed.

11. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

07.01.2025.

komal

Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No