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

\+ CM(M) 345/2025

MANJEET SINGH & ORS. .....Petitioners

Through: Mr. Jai Gupta and Ms. Arunima Gupta, Advocates.

versus

VED PRAKASH YADAV & ORS. .....Respondents

Through: Ms. Jaya Goyal, Ms. Manpreet Kaur, Advocates.

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

O R D E R

% **19.02.2025**

CM APPL. 10123/2025 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CM(M) 345/2025 & CM APPL. 10122/2025 (stay)

1. This is a petition under Article 227 of the Constitution of India, impugning the order dated 18.11.2024, passed by the learned trial Court in CS DJ 939/2018, titled as, "Ved Prakash and Ors. vs. Manjeet Singh and Ors.", whereby the learned trial Court has allowed the application under Order XI Rule 12, 14 and 21 CPC, filed by respondent No. 5, directing the petitioners to produce the documents sought by respondent No. 5.

2. Respondent Nos. 1 to 4 filed a civil suit for declaration, mandatory injunction and recovery against petitioners.

3. During the pendency of the case, respondent No. 5 filed an application under Order XI Rule 12, 14 and 21 CPC for production of documents, stated to be in possession of petitioners.

4. The learned trial Court, vide impugned order dated 18.11.2024, allowed the application of respondent No. 5 and directed the petitioners to produce the following documents in accordance with Order XI Rule 14 CPC within a period of four weeks:-

> "(i) Income Tax Return of Sh. Manjeet Singh Yadav, S/o Late Sh. Shiv Lal Yadav from the year 2011 till 2017.
> (ii) Income Tax Return of Smt. Sushila Yadav, W/o Sh. Manjeet Singh Yadav from the year 2011 till 2017.
> (iii) Income Tax Return of Sh. Hemant Yadav, S/o Sh. Manjeet Singh Yadav from the year 2011 till 2017.
> (iv) Documents to show when the name of Sh. Manjeet Singh Yadav S/o Late Sh. Shiv Lal Yadav was added along with the name of late Sh. Shiv Lal Yadav in the savings bank account no. 90802010002107 with the Syndicate Bank.
> (v) Documents showing that amount in the savings bank account no. 90802010002107 belongs to Sh. Manjeet Singh Yadav."

5. Learned counsel for petitioners submits that learned trial Court has passed the impugned order without appreciating that petitioners had already filed the documents pertaining to income tax returns sought by respondent No. 5 in his application under Order XI Rule 12, 14 and 21 CPC. It is further submitted that the bank documents sought to be produced are not in power and possession of the petitioners, and therefore, the same can be summoned from the bank by respondent No. 5 himself. It is further submitted that case of the plaintiffs must stand on its own legs, and therefore, petitioners cannot be directed to produce the evidence for the plaintiffs.

6. Per contra, learned counsel for respondent No. 5 submits that petitioners earlier produced only the acknowledgment of the income tax returns, which did not contain the detailed statement of computation and due to this reason, respondent No. 5 was compelled to file the application seeking production of complete income tax returns, containing the details of

computation. It is further submitted that all the said documents are in power and possession of petitioners, and therefore, they are liable to produce the same.

7. The law with respect to the scope of Order XI Rule 12, 14 and 21 CPC is no more *res integra*. The Court is empowered to direct any party to produce documents in his power and possession, if they relate to any matter in question in suit and if the Court considers the same to be necessary to adjudicate the matter in issue. Thus, documents sought to be discovered and produced must be relevant to the matter in dispute and such documents should be in power and possession against whom such discovery and production is sought.

8. Respondent Nos. 1 to 4, who are the plaintiffs before the trial Court, filed a suit for declaration, mandatory injunction and recovery, wherein they prayed for decree of declaration that they are entitled to $1/7^{th}$ share amounting to Rs. 14,52,503/- along with relief of mandatory injunction.

9. As per the assertions made in the plaint, plaintiffs' father, Sh. Shiv Lal Yadav was having bank account with Syndicate Bank. He was having a property in Deoli village, which was sold out in the year 1992 and the sale proceeds of the same were deposited by Sh. Shiv Lal Yadav in his savings bank account, and thereafter, certain fixed deposits for a sum of Rs. 30,00,000/- each were created by Sh. Shiv Lal Yadav in his own name in Syndicate Bank.

10. The stand of the petitioners has been that petitioner No. 1 was the joint holder in the savings account with Sh. Shiv Lal Yadav, and therefore, had right to withdraw the amount without any objection from the respondents. Stand of the respondents to the contrary is that, petitioners had

taken loan from Sh. Shiv Lal Yadav, father of the plaintiffs and till date, has not returned the same.

11. The income tax returns sought to be produced will be relevant for the purpose of deciding as to whether the petitioners had taken any loan from Sh. Shiv Lal Yadav. Since it is the petitioners who have filed the income tax returns, they must be having the copies of the same in their power and possession.

12. During arguments, learned counsel for petitioners submits that the income tax returns were filed through Chartered Accountant. Be that as it may, petitioners may obtain the copies of their income tax returns from the Chartered Accountant and produce them before the Court.

13. So far as the bank documents are concerned, learned trial Court proceeded with the assumption that petitioner No. 1 must be having the same in his power and possession. Since the account has been closed, it may not be necessary that the bank documents are in power and possession of the petitioners, more so when petitioner No. 1 denies having the same.

14. That being so, the Court does not find any illegality or infirmity in the impugned order insofar as it directs the petitioners to produce the documents at serial Nos. (i) to (iii) are concerned, however, respondents would be at liberty to summon the records of the bank account from the concerned bank, if so required, during the course of their evidence.

15. Petition, is therefore, partly allowed in the above terms and petitioners are granted further six weeks' time from today to place the documents at serial Nos. (i) to (iii) before the trial Court.

RAVINDER DUDEJA, J

FEBRUARY 19, 2025*/vd /n*