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

+ **CM(M) 35/2025**

SATVEER SINGH & ANR.

.....Petitioners

Through: Plaintiff in person

versus

JATINDER KAUR ORS.

.....Respondents

Through: Mr. Charan Jeet Singh, Adv for R-1
& 2.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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13.01.2025

CM APPL. 1523/2025 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM APPL. 1522/2025 (delay 115 days in re-filing of petition)

For the reasons stated in the application, delay of 115 days in re-filing the petition is hereby condoned.

Application stands disposed of.

CM(M) 35/2025

1. The present petition filed under Article 227 of the Constitution of India challenges the impugned orders passed by learned Trial Court dated 16.03.2024 and 05.07.2024.

2. Petitioner submits that he filed the suit for partition against the respondents herein and in such suit he filed an application under Order XI Rule 12 CPC seeking directions to the respondents to produce the complete



set of album of the marriage of the daughter of defendant No.2 namely Kushwinder Kaur@Kushbhu@Tinku as also for production of complete address of daughter, her husband and her in-laws, but such application has been dismissed by the Trial Court.

3. It is submitted that production of the photographs are very much essential for the proper adjudication of the case.

4. The petition has been vehemently opposed by learned counsel appearing for the respondents, submitting that the daughter of respondent is not a party to the proceedings and the documents sought are of no relevance in the partition suit.

5. The learned Trial Court dismissed the application under Order XI Rule 12 CPC observing that daughter of defendant No.2, her husband and her in-laws are not parties to the suit and were not even remotely concerned with the controversy, which was subject matter of the suit.

6. The Trial Court also observed that the application does not disclose the reasons about the relevancy or need of the documents sought to be produced. Finding that private details of the parties, which are completely unconnected with the controversy of the present suit and their private documents nor being relevant for the purpose of the suit, the application was found to be without any merit and was accordingly, dismissed.

7. Even while arguing before this Court, the petitioner has failed to explain the relevancy of the documents i.e. album of marriage of daughter of defendant No.2 and photographs sought to be produced in the partition suit.

8. Perusal of the order of Trial Court reveals that petitioners also filed an application under Order XI Rule 21 CPC seeking directions for striking off the defence of defendants and for passing a decree in his favour on the



ground that defendants have failed to comply with the directions to answer the interrogatories and also refused to abide by the orders of discovery of the documents sought by the petitioners.

9. The learned Trial Court observed that petitioners have not raised any interrogatories or made request for the same and rather his application under Order XI Rule 12 CPC had already been dismissed in terms of order dated 16.03.2024. The application was accordingly dismissed being frivolous.

10. Obviously, after dismissal of the application under Order XI Rule 12 CPC on 16.03.2024, the petitioner could not have prayed for striking off the defence of the defendants on the ground of non production of the documents.

11. The learned Trial Court has therefore, rightly dismissed both the applications. There is no illegality or impropriety in the impugned orders dated 16.03.2024 & 05.07.2024 passed by the learned Trial Court. The Court finds no merits in the present petition, the same is accordingly dismissed.

RAVINDER DUDEJA, J

JANUARY 13, 2025

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