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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 403 of 2026

1 - Ramkumar Agrawal (In Person) S/o Beni Prasad Agrawal Aged About 82 Years R/o Behind Kabir Bada, Ward No. 1, New Ward No. 14, Shankar Nagar, Mahasamund Chhattisgarh, Radha Bai Agrawal W/o Ramkumar Agrawal Aged About 58 Years R/o Behind Kabir Bada, Ward No. 1, New Ward No. 14, Shankar Nagar, Mahasamund Chhattisgarh (Died Through Her Legal Representative Ramkumar Agrawal, Petitioner No. 1)

2 - Garima Agrawal W/o Laxminarayan Agrawal, D/o Ramkumar Agrawal Aged About 30 Years R/o Behind Kabir Bada, Ward No. 1, New Ward No. 14, Shankar Nagar, Mahasamund Chhattisgarh

3 - Reema Agrawal (Deleted) As Per Honble Court Order Dated 24.06.2026

... Petitioner(s)

versus

1 - Veer Singh Sonwani S/o Siyandas Sonwani Aged About 68 Years R/o Behind Kabir Bada, Ward No. 1, New Ward No. 14, Shankar Nagar, Mahasamund Chhattisgarh

2 - Bharti Sonwani W/o Karan Sonwani Aged About 33 Years R/o Behind Kabir Bada, Ward No. 1, New Ward No. 14, Shankar Nagar, Mahasamund Chhattisgarh

3 - Khemin Sonwani W/o Ravi Sonwani Aged About 28 Years R/o Behind Kabir Bada, Ward No. 1, New Ward No. 14, Shankar Nagar, Mahasamund Chhattisgarh

4 - Karan Sonwani S/o Veer Singh Sonwani Aged About 37 Years R/o Behind Kabir Bada, Ward No. 1, New Ward No. 14, Shankar Nagar, Mahasamund Chhattisgarh

5 - Ravi Sonwani S/o Veer Singh Sonwani Aged About 31 Years R/o Behind

Kabir Bada, Ward No. 1, New Ward No. 14, Shankar Nagar, Mahasamund Chhattisgarh

6 - Reema Agrawal/ Chaurasia D/o Rajendra Prasad Chaurasia Aged About 31 Years New Address R/o House No. 79, Badavan, Bansgaon, District Gorakhpur, (U.P.)

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner(s)	**:**	Mr. Ramkumar Agrawal, Petitioner In Person.
For Respondent(s)	**:**	Mr. R. S. Patel, Advocate.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.

Order on Board

26/10/2026

1. The petitioners have filed the present writ petition challenging the order dated 13.01.2026 (Annexure P/1) passed by the learned First Civil Judge, Junior Division, Mahasamund, in Civil Suit No. 21-A/2021, whereby the application filed by the plaintiffs under Order 16 Rule 6 read with Rule 21 of the CPC has been rejected. The petitioner prayed for the following reliefs in the writ petition:-

> "(A) That, this Hon'ble Court may kindly be pleased to call concerning record from the Court below for kind perusal of this Hon'ble Court, in the interest of justice.
>
> (B) That, this Hon'ble Court may kindly be pleased to allow this petition setting aside the impugned order dated 13.01.2026 (Annexure P/1) and pass such other order/orders as this Hon'ble Court deems fit, in the interest of justice."

2. Mr. Ramkumar Agrawal, the petitioner No. 1 in person, would submit that the learned trial Court has committed an error of law in rejecting the application preferred by the petitioners under Order 16 Rule 6 read with Rule 21 of the CPC, seeking production of the registered sale deed in respect of the land admeasuring 0.029 hectare (approximately 3,178 square feet), bearing Khasra No. 441/1, allegedly purchased by

the respondents. It is submitted that the petitioners have instituted the civil suit seeking compensation of Rs. 2,00,000/- on account of injuries sustained by them in an incident arising out of a dispute concerning the land situated adjacent to their property. The respondents have encroached upon a portion of land measuring 26 feet × 25 feet, i.e., approximately 750 square feet, and have raised an illegal construction thereon in February 2021, claiming ownership over the said land. The respondents have asserted in their written statements that they purchased the larger parcel of land bearing Khasra No. 441/1; however, despite such assertion, they have not produced the registered sale deed in support of their claim.

3. He would further submit that the production of the aforesaid sale deed is necessary for the proper adjudication of the controversy between the parties, particularly in view of the respondents' claim of ownership over the land in question and the petitioners' allegation that a portion of the land adjoining their property has been encroached upon by the respondents. It is submitted that the learned trial Court has rejected the application merely on the ground that the petitioners have not produced a revenue map establishing the contiguity of the respective plots, without appreciating that the suit was at the stage of the plaintiffs' evidence and that the document sought to be produced was specifically identified on the basis of the respondents' own pleadings. It is further submitted that, under Order 16 Rule 6 read with Rule 21 of the CPC, the Court has the authority to require production of a document in the possession or control of a party where such production is relevant to the matters in controversy even they can direct the defendant to produce the document. The petitioners are not

seeking a final determination of title at this stage; rather, they seek production of the document relied upon by the respondents to substantiate their claim of ownership. It is, therefore, submitted that the impugned order dated 13.01.2026 is contrary to law and has the effect of depriving the petitioners of relevant documentary evidence. Accordingly, learned counsel prays that the impugned order be set aside and the learned trial Court be directed to reconsider the application in accordance with law.

4. Mr. R. S. Patel, learned counsel for the respondent Nos. 1 to 5, would submit that the learned trial Court has committed no illegality in rejecting the application preferred by the petitioners under Order 16 Rule 6 read with Rule 21 of the CPC. It is argued that an earlier application preferred by the petitioners under Order 16 Rule 2 of the CPC was rejected by the learned trial Court vide order dated 11.08.2025, which has not been challenged and has attained finality; therefore, the petitioners cannot maintain the present application in the same proceedings. Learned counsel would further submit that the petitioners are required to establish their case by adducing their own evidence and cannot seek to compel the respondents to produce documents merely to substantiate the petitioners' case. The petitioners have neither furnished copies of the documents sought to be summoned nor demonstrated their relevance and necessity for adjudication of the dispute. It is further submitted that, insofar as the registered sale deed is concerned, the petitioners may obtain its certified copy from the office of the Sub-Registrar, Mahasamund, by following the prescribed procedure, whereas the other documents sought to be produced are private documents and no sufficient basis

has been shown for compelling their production. Learned counsel would further submit that the application is misconceived, unnecessary and intended to cause harassment and inconvenience to the respondents. Accordingly, it is prayed that the writ petition be dismissed and the impugned order be affirmed.

5. I have heard learned counsel for the parties and perused the documents annexed with the petition.

6. The question that arises for consideration in the present writ petition is whether the learned trial Court has committed any jurisdictional error or material irregularity in rejecting the application preferred by the petitioners under Order 16 Rule 6 read with Rule 21 of the CPC, seeking production of the registered sale deed in respect of the land bearing Khasra No. 441/1, admeasuring 0.029 hectare, allegedly purchased by the respondents. The petitioners have instituted the civil suit seeking compensation of Rs. 2,00,000/- for the injuries allegedly sustained by them in an incident arising out of a dispute between the parties concerning the construction of a wall and the alleged encroachment over a portion of land measuring 26 feet × 25 feet. Their case is that the respondents have claimed ownership over the larger parcel of land bearing Khasra No. 441/1 and, on the basis of such claim, have encroached upon the adjoining land belonging to the petitioners. The respondents, on the other hand, have denied the allegation of encroachment and asserted that they are in possession of the land purchased by them from its erstwhile owner. Thus, the application for production of the sale deed has to be examined in the context of the nature of the suit, the pleadings of the parties and the relevance of the document sought to be produced.

7. Order 16 Rule 6 of the CPC enables the Court to summon a person to produce a document without requiring such person to attend personally. Further, Rule 21 of Order 16 makes the provisions relating to witnesses applicable, subject to the statutory conditions, to a party to the suit who is required to give evidence or produce a document. Therefore, the mere fact that the document sought to be produced is in the possession of the opposite party would not, by itself, constitute a ground to reject an application for its production. At the same time, the power to summon a document is required to be exercised judicially, upon consideration of its relevance to the questions arising for adjudication and the necessity of its production. The provision cannot be invoked merely to enable a party to undertake a roving inquiry into the title or affairs of the opposite party. In the present case, the petitioners seek the registered sale deed on the basis of the respondents' own assertion that they purchased 0.029 hectare of land bearing Khasra No. 441/1. The question, therefore, is whether the said document has a sufficient bearing on the controversy involved in the suit for compensation to warrant its production at the instance of the petitioners.

8. In the present case, the learned trial Court has observed that the petitioners' own registered sale deed dated 01.06.1994 relates to land bearing Khasra No. 445/14, whereas the respondents claim to be in possession of land bearing Khasra No. 441/1, measuring 0.029 hectare. The petitioners have not placed any revenue map or other material on record to prima facie establish that the land claimed by the respondents is contiguous to the petitioners' land or that the disputed portion of 750 square feet forms part of the petitioners' property. The

mere fact that the respondents have asserted ownership over the land bearing Khasra No. 441/1 does not, in itself, establish the relevance or necessity of summoning their sale deed for adjudication of the suit for compensation. The burden of establishing the pleaded case rests upon the petitioners, and the document sought to be produced must have a demonstrable connection with the controversy requiring adjudication. In the circumstances of the present case, the petitioners have not demonstrated how the respondents' sale deed, in the absence of prima facie material establishing the contiguity of the two parcels of land or the alleged encroachment, is indispensable for deciding their claim for compensation. Moreover, insofar as the registered sale deed is concerned, the petitioners may seek its certified copy from the competent registration office in accordance with law. The learned trial Court has, therefore, considered the nature of the suit, the documents already on record and the purpose for which the production of the sale deed was sought.

9. Consequently, this Court finds that the learned trial Court has exercised its discretion on relevant considerations and that the impugned order does not suffer from any jurisdictional error, material irregularity or perversity warranting interference under Article 227 of the Constitution of India. The supervisory jurisdiction of this Court cannot be invoked merely because the petitioners seek production of a document which, according to them, may support their case, particularly when its relevance to the controversy has not been sufficiently demonstrated.

10. The petitioners shall, however, remain at liberty to establish their allegations of encroachment and the injuries allegedly sustained by them by adducing admissible evidence in accordance with law. The

observations made herein are confined to the application for production of the document and shall not prejudice the adjudication of the civil suit on its merits.

11. Accordingly, the writ petition, being devoid of merit, is **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Alok