CGHC010249472026

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 932 of 2026

1 - Varun Kumar Bramha S/o Shri Madhusudan Mandal Aged About 32 Years R/o Netaji Chowk, House No. 27 / 999, Police Station Civil Line, New Shanti Nagar, Tahsil And District Raipur, Chhattisgarh.

... Petitioner(s)

Versus

1 - Madhusudan Mandal S/o Late Adharchand Mandal Aged About 65 Years R/o Netaji Chowk, House No. 27 / 999, Police Station Civil Line, New Shanti Nagar, Tahsil And District Raipur, Chhattisgarh.

2 - Smt. Smriti Mandal W/o Shri Madhusudan Mandal Aged About 62 Years R/o Netaji Chowk, House No. 27 / 999, Police Station Civil Line, New Shanti Nagar, Tahsil And District Raipur, Chhattisgarh.

3 - State Of Chhattisgarh Through The Collector Raipur, Chhattisgarh.

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Shri Lokesh Kumar Singh, Advocate.
For State	:	Shri Ashutosh Trivedi, Panel Lawyer.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

05.11.2026

1. The present writ petition under Article 227 of the Constitution of India has been filed by the petitioner against the impugned order dated 13.03.2026 passed by Ist Civil Judge, Junior Division, Raipur in Civil Suit No.380-A/2024 whereby the application filed by the petitioner under Order 11 Rule 12 CPC has been rejected.

2. Learned counsel for the petitioner would submit that the petitioner is the plaintiff before the trial court where he is prosecuting a suit for declaration of title and permanent injunction against the defendants with respect to subject property which is the house situated at village Pandari Tarai, Tehsil and District Raipur. The claim of the plaintiff is that he is the adopted son of defendant No.1&2 and he was taking care of defendants till the dispute arose. Subsequently the dispute arose between the wife of plaintiff and defendants No.1&2 which culminated into lodging of police report and defendants tried to throw them from the subject house in which he was residing along with defendants. Therefore, the plaintiff has filed the suit. In the suit, the plaintiff has filed an application under Order 11 Rule 12 CPC for discovery of documents which relates to pregnancy of the defendant No.2, the documents related to their pedigree and the access to the defendant No.1 to defendant No.2 during his incarceration period, but the same has been rejected by the trial court holding that these documents are not relevant with the facts and issue involved in the case as the plaintiff has filed the suit on the basis that he is the adopted son of defendants and he has to prove his own case by leading evidence. He would further submit that the subject documents are very relevant and necessary for its disclosure by the defendants. Therefore, his application may be allowed and the impugned order be set aside.

3. I have heard the counsel for the petitioner and perused the documents annexed with the petition.

4. From perusal of the plaint Annexure P/2 it transpires that the petitioner is the plaintiff who is claiming his right and title over the suit property on

the basis of the fact that he being the adopted son of defendants are entitled for the property. He was taking care of the defendants till dispute arose and when the quarrel arose between the wife of plaintiff and defendants No.1&2, a police report has been lodged and ultimately civil suit was filed with the allegation that defendants tried to throw the plaintiff from the suit property. When the plaintiff is claiming his right and title over the suit property on the ground of his being adopted son of the defendants, the documents as claimed by the plaintiff with respect to pregnancy of defendant No.2 and access of defendant No.1 with the defendant No.2 during his incarceration period, are not relevant under the facts of the case and it is the burden of plaintiff to prove that he is the adopted son of defendants. Whether or not the defendant No.2 conceived pregnancy or whether the defendant No.1 was having access or not, do not appear to be relevant for disclosure of document in the present case as has been claimed by the plaintiff and the trial court has rightly rejected the application of the petitioner holding that the claimed documents are neither relevant nor necessary in the facts of the present case.

5. After having gone through the entire documents annexed with the petition, this court does not find any jurisdictional error or illegality in the impugned order passed by the trial court rejecting the application filed by the plaintiff under Order 11 Rule 12 CPC.

6. Accordingly, the writ petition fails and is hereby dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

inder