
(1994) 02 RAJ CK 0008

In the Rajasthan High Court

Case No : Civil Revision Petition No. 163 of 1994

J.K. Paper Industries

APPELLANT

Vs

Bank of Baroda

RESPONDENT

Date of Decision : 24-02-1994

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 11 Rule 12

Citation : (1994) 2 WLN 35

Hon'ble Judges : Rajesh Balia, J

Bench : Single Bench

Judgement

Rajesh Balia, J.—Heard learned Counsel for the petitioner.

2. This revision petition is directed against the Order dated December 9, 1993 by which the application of the petitioner Under Order 11 Rule 12 has been dismissed. The trial Court has rejected the application on the ground that for the production of these very documents, the prayer of the petitioner was rejected on October 19, 1989 and the revision petition against that order was also dismissed by this Court on January 30, 1991 and this Court directed to decide the suit within three months.

3. After rejection of the application for taking these very documents on record, the application in question was moved after about four years when the suit was ripe for decision. The trial court while taking note of the aforesaid fact has found the application not bonafide and was also of the opinion that provision of Order 11 Rule 12 are not applicable.

4. Learned Counsel for the petitioner urged that Order 11 Rule 12 is an independent provision than the provisions of requiring production of documents and the rejection of earlier application for production of these very documents, cannot be a ground for rejecting this application.

5. I am unable to agree to this contention. Once the Court has rejected the application for permitting the petitioner to produce these documents and make it

a part, of the record and that order has become final, the provisions of Order 11 Rule 12 cannot be invoked for the purpose of bringing these very documents on record indirectly.

6. Moreover the facts of this case clearly goes to show that once that application for production of these very documents was rejected way back in the year 1989 and petitioner waited for four years to make this application for securing admission and denial and not for discovery of those documents by way of the application in question. It may also be observed that he petitioner has already led his evidence on the issue that the loan in question was not all advanced to him by the Bank. The two documents now in question merely relates to the fact that the defendant has informed the Bank management about non-receipt of loan and on his complaint, an Officer of the Bank has come to enquire into the matter. However that document does not throw any light on the outcome of such enquiry, if any, made by the Officer. No other evidence is now being sought to be led. In that view of the matter, these documents do not affect the merit of evidence already led by the defendant, which otherwise will have to be examined on its own merit. Hence, the trial court was justified in rejecting the application.

7. The revision petition is accordingly rejected.