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**(1981) 10 GUJ CK 0007**  
**In the Gujarat High Court**

K. Patel and Co.

APPELLANT

Vs

Shah Maheshkumar Ratilal, A Firm

RESPONDENT

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**Date of Decision :** 07-10-1981

**Acts Referred:**

Civil Procedure Code, 1908 (CPC) — Section 115, 115

**Citation :** (1982) GLH 98 : (1982) 1 GLR 283

**Hon'ble Judges :** A.N. Surti, J

**Bench :** Single Bench

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**Judgement**

A.N. Surti, J.—In course of the hearing of Summary Suit No. 1196 of 1977 which was being heard by the learned Judge of the City Civil Court, Ahmedabad, an application was given by the petitioner-original tenant for production of certain documents after the evidence of the plaintiff and one of the defendants was over.

2. When such application-Ex. 33 was given, the plaintiff's advocate objected the production of the documents on the ground that no good cause was shown for such a late production of documents and that the plaintiff's evidence was already over, and that thereby the opportunity could not have been made available to the plaintiff to explain away the documents produced in pursuance of Ex. 33.

3. The learned Judge of the City Civil Court rejected the application Ex. 33.

4. It is under these circumstances that the petitioner-original defendant had a grievance against the impugned order passed by the learned City Civil Judge, Ahmedabad, and has filed the present revision application.

5. At the time of the hearing of this revision application, I requested Mr. Adhyaru, the learned advocate for the petitioner-defendant to satisfy me as to how the impugned order can at all be revised by me u/s 115 of the Code of Civil Procedure. Having anxiously taken into consideration the statutory language employed in Section 115 of the Code of Civil Procedure, it is not possible for me to take the view that this matter falls within the purview of Section 115 of the

Code of Civil Procedure.

6. But in any event, one thing is very clear to my mind, that if any document at such stages is permitted to be produced before the trial Court, there would be considerable impediment and hampering of smooth trial of suits which are tried by the Civil Judges throughout the State. Cases do come up before this Court when either an application for adjournment is rejected by lower Courts and an application u/s 115 of the CPC is filed in this Court. Cases also arise where we have to deal with revision applications under the CPC where either production of document is denied or permitted or where a question in cross-examination is allowed to be put or not allowed to be put to a witness. Cases also arise where parties rush up to this court, if some time inspection is given to a party in regard to some documents or where inspection is denied to a party for taking the inspection of documents.

7. In the situations like the aforesaid, I fail to understand as to how this Court can at all exercise its jurisdiction u/s 115 of the Code of Civil Procedure. No doubt, it is true that the High Court can call for record of the case decided by an inferior Court and to intervene if inferior court has exercised jurisdiction not vested in it by law or has failed to exercise jurisdiction so vested in it or has acted in the exercise of its jurisdiction illegally or with material irregularity, then this court can certainly exercise its jurisdiction and can pass proper orders to meet with the ends of justice; but it is clear to my mind that orders passed by the trial courts should not be disturbed, unless they finally dispose of the suit or any other proceeding. At the same time, this court should be equally reluctant to interfere with such orders passed by the subordinate judiciary unless the orders so passed would occasion failure of justice or cause irreparable injury to the party against whom an order was passed.

8. It is high time when for filing such revision applications a caution bell is required to be rung for the benefit of the litigants at large throughout the State. If the litigants understand the aforesaid true legal position in its true perspective, I am sure the same will benefit the litigants at large.

As a result of the aforesaid discussion, I do not see any tittle of substance in this revision application, and hence, the revision application fails, and the rule is discharged, but having regard to the facts and circumstances of the case, I make no order as to costs.