
(2014) 03 RAJ CK 0138
In the Rajasthan High Court
Case No : Civil Writ Petition No. 13449 of 2013

LRs. of Nasar Khan

APPELLANT

Vs

Merajudin

RESPONDENT

Date of Decision : 11-03-2014

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 13 Rule 10, 151
Constitution of India, 1950 — Article 227

Citation : (2014) 2 CDR 591

Hon'ble Judges : V.K. Mathur, J

Bench : Single Bench

Advocate : Rajat Dave, Advocate for the Appellant

Final Decision : Dismissed

Judgement

V.K. Mathur, J.—The present petition has been filed by the petitioner-defendants challenging the order dated 06th September 2013 passed by the learned Civil Judge (SD), Pratapgarh in Civil Case No. 6/2008 (147/2002) whereby application filed by the defendants under Order 13 rule 10 read with sec. 151 CPC has been rejected. As per relevant facts of the case, the respondent-plaintiff filed a suit for redemption of mortgaged property against Nasar Khan. After filing of written statement, issues were framed in the matter on 25th July 2003 and the matter was pending for evidence of the plaintiff.

2. On 16th August 2013, petitioner-defendants filed an application under Order 13 rule 10 read with sec. 151 CPC for summoning record of service-book and departmental proceedings pertaining to respondent-plaintiff, stating that he has served in various Courts of Pratapgarh judgship and these documents sought to be referred are necessary for showing conduct of the respondent-plaintiff and veracity of his statements.

3. The learned trial Court observed that the defendants have not explained how said documents are necessary for the purpose of adjudication of the matter, no

pleading in this respect has been made nor any relevancy has been shown with reference to the plaint written statement or issues framed in the matter. With these observations, the learned Court below dismissed the application of petitioner-defendants vide impugned order dated 06th September 2013.

4. Having considered the submissions made by the learned counsel for the petitioners and in the facts and circumstances of the case, in view that the documents have no relevancy, I find no illegality or perversity in the impugned order, warranting interference in the matter by this Court in limited jurisdiction under Article 227 of the Constitution of India. In the result, I find no merit in the present writ petition and the same is hereby dismissed.