
(2017) 01 P&H CK 0121
In the Punjab And Haryana At Chandigarh
Case No : CR No.83 of 2017

M/s Paul Merchants Ltd.

APPELLANT

Vs

Oriental Insurance Company Limited

RESPONDENT

Date of Decision : 11-01-2017

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 151

Citation : (2017) 1 LawHerald 253

Hon'ble Judges : Mr. Daya Chaudhary, J.

Bench : Single Bench

Advocate : Mr. Vikas Chatrath, Advocate, for the Petitioner

Final Decision : Dismissed

Judgement

Mr. Daya Chaudhary, J. - The present revision petition has been filed under Article 227 of the Constitution of India for quashing of order dated 22.08.2016 (Annexure P-23) passed by learned Civil Judge (Senior Division), Chandigarh in case No.1778 of 2014 titled as "M/s Paul Merchants Ltd. v. The Oriental Insurance Company Limited and another". A further prayer has also been made for stay of proceedings before the Civil Court during pendency of this revision petition.

2. The petitioner moved an application under Section 151 CPC for directing defendant-Company to produce the complete reference, which was made by them before the Vigilance Department and also the investigation report issued by the Vigilance Department. An application under RTI Act was also moved by the petitioner for supplying copy of surveyor's report but the same was not supplied on the ground that the matter was under investigation before the Vigilance Department. In response to the said application, reply was filed but the application was dismissed vide order dated 22.08.2016 on the ground that no such averment was made in the written statement that such Vigilance report was relied upon by the defendant and question of supplying/production of such documents in the suit does not arise at this stage. Accordingly, it was held that

there was no necessity to direct the defendant to produce those documents and the application found to be devoid of any merit was dismissed.

3. Learned counsel for the petitioner submits that from the report of Surveyor appointed by respondent-Insurance Company, it is clear that he had submitted his report on 27.03.2010 and in that report, there was reference of letter dated 31.03.2008. After receipt of Surveyor's report, the respondent-Company vide letter dated 12.04.2010 asked the petitioner- Company to supply a copy of action taken against the employee and the original verdict of the Court. Learned counsel also submits that a direction was sought by the applicant-petitioner to the defendant to produce the reference made in their Vigilance Department along with the investigation report. In response to notice in the application, it was opposed on the ground that the plaintiff had to prove its case on the strength of documents which can be relied upon while filing the plaint. Nothing was mentioned in the written statement.

4. Heard arguments of learned counsel for the petitioner and have also perused the impugned order dated 22.08.2016.

5. The petitioner-plaintiff has moved an application for direction to defendant respondent to produce those documents as sought under RTI Act. Since there was no reference of the documents in the written statement filed by defendant, the application was dismissed as there was no necessity to have the copies of those documents at this stage. It is also mentioned in the impugned order that there was no reference of such documents in the written statement filed by the defendant whereby said vigilance report has been relied upon by the defendant-respondent.

6. The direction has been sought by the petitioner plaintiff to supply such documents in the suit without showing any relevancy of those documents as the same is not mentioned in the written statement also.

7. The application was dismissed at this stage by holding that there was no necessity to direct the defendant to produce documents.

Accordingly, there is no merit in the contentions raised by arguments learned counsel for the petitioner and the revision petition being devoid of any merit is dismissed.

However, the petitioner is at liberty to move an application at the appropriate stage if there is any occasion of such Surveyor's report and other documents as has been mentioned in the application moved by the respondent-defendant.