

(1995) 12 PAT CK 0045
In the Patna High Court
Case No : Civil Revision No. 372 of 1993 (R)

Rajpal Prasad

APPELLANT

Vs

Damodar Valley Corporation and Others

RESPONDENT

Date of Decision : 15-12-1995

Acts Referred:

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

Citation : (1996) 1 BLJR 711

Hon'ble Judges : Gurusharan Sharma, J

Bench : Single Bench

Judgement

Gurusharan Sharma, J.—The plaintiff-petitioner filed Title Suit No. 30 of 1991 before the Munsif, Bermo at Tenughat for his employment as against Group "c" post under the defendant Nos. 1 to 3 in terms of Annexure 1 to the plaint and for annulment of the appointment of defendant No. 4 as being wholly arbitrary, unauthorised, illegal and ultravires. According to the plaintiff, lands belonging to his grand father was acquired for the Damodar Valley Corporation. The Corporation published a circular containing a scheme to provide employment to Group "c" posts to the displaced persons. The plaintiff was entitled to employment, but defendant No. 4 obtained employment on the basis of false statements, declaration etc.

2. In spite of service of summons the defendant Nos. 1 to 3 neither appeared in the suit, nor filed any written statement. However, defendant No. 4 appeared and filed written statement. According to defendant No. 4, one Khaitu Patwa was his uncle and since the family was joint he was also a displaced person. The crucial question is as to whether the defendant No. 4 obtained employment by making false statements, declaration etc. Admittedly, those documents are in the custody of defendants 1 to 3, but they have chosen not to contest the suit.

3. On 25.8.1993, the plaintiff filed a petition under Order XI Rule 12 of the CPC to direct the defendant Nos. 1 to 3 to produce the documents, namely, declaration form "A" Description Roll, Certificate of Mukhiya, Hazari Gram

Panchayat and the papers along with entire personal file of defendant No. 4, available in the service personal file of defendant No. 4. By the impugned order dated 27.8.1993 the trial court has rejected the said petition.

4. The trial court has rejected the said petition for the reason that the pleading of the plaintiff was silent on the point and the same was not in issue before the court and the plaintiff himself was not sure as to what was the contents of the documents to be called for.

5. Every document which will throw any light on the case in a document relating to a matter in dispute in the proceeding, though it might not be admissible in evidence. As a general rule a party is bound to produce every document in his possession or power which is material or relevant to the suit, unless it is covered by some established privilege. The learned Counsel appearing for the defendants opposite parties 1 to 3 herein have no objection in producing the relevant documents in their custody.

6. After hearing the parties, I find that since the plaintiff also prayed for a relief of annulment of the employment of defendant No. 4 on the ground that the same was obtained by false statements, declarations, certificates, the discovery of relevant documents in that regard which were necessary for disposing of the suit fairly can be given. It is not disputed that the papers are in the custody of defendants 1 to 3.

7. In the circumstances, the impugned order is set aside and the matter is remitted back to the trial court to re-consider the reasonable prospect of each of those documents of being any use and which throw any light on the case and if necessary to curtail irrelevant documents and grant discovery and direct defendants 1 to 3 to produce only those documents in their custody which relate to the matter in question in the suit.

8. In the result, this Civil Revision application is disposed of with the aforesaid directions.