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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

(122)

CR-1289-2025

Date of decision: - 04.03.2025

Mohan Lal Bagri

...Petitioner

Versus

Municipal Committee, Bawal and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. B.K. Bagri, Advocate, for the petitioner.

Mr. Jagdish Manchanda, Addl. A.G., Haryana.

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**VIKAS BAHL, J. (ORAL)**

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 13.08.2024 passed by the Additional Civil Judge, Bawal, whereby application (Annexure P-1) filed by the petitioner for issuing directions to the defendants (respondents) to produce the original map/blue print/Sajra/Masawvi etc. of the rasta, has been dismissed. Challenge is also to the order dated 08.11.2024 whereby application (Annexure P-2) for recalling the order dated 13.08.2024 has been dismissed.

2. It is not in dispute that the present suit for declaration and permanent injunction was filed by the petitioner on 06.11.2017 and the evidence of the petitioner was closed on 13.10.2019 and that of the defendant was closed on 09.02.2021 and it was subsequent to the same,

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the petitioner had filed an application dated 15.09.2021 for issuing direction to the defendant to produce the original map of the *rasta*/road from Bhagat Singh Chowk to Katla, Bawal. The said application was dismissed by the trial Court vide order dated 13.08.2024 by observing that although the counsel for the defendant was ready to argue the matter but the counsel for the plaintiff/petitioner did not come present in spite of the fact that the trial Court had waited till 3.30 PM. The trial Court however taking a lenient view did not dismiss the suit for non-appearance of the counsel for the plaintiff/petitioner and adjourned the case to 27.08.2024 for appearance of the petitioner/plaintiff. An application was filed by the petitioner/plaintiff on 04.09.2024 for recalling the order dated 13.08.2024, which also was dismissed by the trial Court vide order dated 08.11.2024.

3. A perusal of the order dated 08.11.2024 would show that it had been stated by the trial Court that the case was fixed at the stage of rebuttal evidence and that the application had been filed by the petitioner/plaintiff at that stage. It was observed that the petitioner/plaintiff cannot compel the defendant to produce any document. Further the petitioner/plaintiff had to stand on his legs and it was open to him to have produced the map by summoning the same when his evidence was being led. It was further observed that by moving the said application, the petitioner indirectly wanted to lead evidence after his evidence was over, which was not permissible in the eyes of law.

4. Learned counsel for the petitioner has submitted that the



provision of Order 11 Rule 14 CPC for production of documents provides that the Court at any stage during the pendency of the suit can order the production of the documents. Order 11 Rule 14 CPC, which has been relied upon by the petitioner, is reproduced as under: -

*“14. Production of documents. - It shall be lawful for the Court, at any time during the pendency of any suit, to order the production by any party thereto, upon oath of such of the documents in his possession or power, relating to any matter in question in such suit, as the Court shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just.”*

A perusal of the said provision would show that an enabling power has been given to the Court to order the production by any party upon oath of the documents in his possession, relating to any matter in the suit, which the Court thinks fit. The trial Court for the reasons which have been mentioned herein-above, has chosen not to exercise the said power after taking into consideration the stage of the case. The above-said provision does not give an absolute right to a party to seek production of documents at any stage of the proceedings and the same is an enabling power with the Court, which the trial Court in the present case has rightly chosen not to exercise.

5. The Hon'ble Supreme Court in the case of “**Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil**”, reported as (2010) 8 **Supreme Court Cases 329**, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or



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courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

6. Keeping in view the above, this Court is of the opinion that the impugned order does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

**March 04, 2025**  
*naresh.k*

**( VIKAS BAHL )**  
**JUDGE**

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| Whether reasoned/speaking? | Yes |
| Whether reportable?        | Yes |