



CR-5819-2025 (O&M)

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

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**CR-5819-2025 (O&M)
Decided on :- 01.09.2025**

Sanjeev Chopra

....Petitioner

VERSUS

Hindsons Limited and Another

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Ishan Gupta, Advocate for the petitioner.

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MANDEEP PANNU J.

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 22.07.2025 passed by the learned Additional Civil Judge (Senior Division), Patiala, in Execution Case No. EXE/386/2014, whereby the application filed by the judgment-debtor under Order 11 Rule 12 CPC read with Section 151 CPC for discovery and production of documents from the decree-holder has been disposed of, directing production of the PAN card but declining the prayer for production of the agreement dated 15.04.2004 and assignment deed of the same date.

2. The contention of learned counsel for the petitioner is that the executing court has failed to exercise jurisdiction vested in it. It is argued that the documents sought, namely the agreement dated 15.04.2004 and the assignment deed dated 15.04.2004 allegedly executed between the decree-holder and the parent company Escorts Ltd., are not only relevant but crucial for adjudicating the maintainability of the execution itself. It is submitted that these very documents were referred to in earlier third-party proceedings and the decree-holder cannot now be permitted to avoid their production merely by denying possession. Learned



counsel urges that the provisions of Order 11 Rule 12 CPC cast a duty on the Court to ensure discovery of documents which are necessary for a fair adjudication, and a mere ipse dixit denial by the decree-holder cannot be accepted. Reliance has been placed on *M.L. Sethi v. R.P. Kapur, AIR 1972 SC 2379* to argue that discovery is intended to advance justice and prevent suppression of material documents.

3. I have heard learned counsel for the petitioner and perused the record.

4. The impugned order reveals that the executing court proceeded on the premise that once the decree-holder had denied possession of the alleged assignment documents, no direction could be issued for their production. However, the reasoning is flawed inasmuch as it ignores the settled principle that discovery under Order 11 Rule 12 CPC is not dependent solely on the admission of the opposite party but on the satisfaction of the Court that the documents sought are relevant and necessary for adjudication. The documents in question, namely the agreement dated 15.04.2004 and the assignment deed dated 15.04.2004, prima facie go to the root of the decree-holder's entitlement to pursue execution. Their discovery is therefore essential for a fair and just determination.

5. The decree-holder's bare denial of possession cannot, by itself, absolve it from the duty to disclose, particularly when the record shows that such documents were adverted to in earlier proceedings. The executing court was, therefore, in error in summarily rejecting the request. The correct course would have been to direct the decree-holder to file an affidavit of documents in terms of Order 11 Rule 13 CPC, disclosing whether the said documents are or were at any time in its possession, power or custody. Reliance has been placed on *Hind Kumar Kohli Vs. Vimalchand Patni and Others, 2017(3) MPWN 65* wherein it has been held that from bare perusal of the provisions of Order 11 Rule 13 CPC, it is clear



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that while producing the documents, affidavit is required to be filed in form No. 5 in appendix 'C' with such variations as circumstances may require.

6. Accordingly, the impugned order dated 22.07.2025 is modified. While the direction for production of the PAN card shall remain undisturbed, the decree-holder is further directed to file, within four weeks, an affidavit of documents in terms of Order 11 Rule 13 CPC specifically dealing with the agreement dated 15.04.2004 and the assignment deed dated 15.04.2004. In case the decree-holder admits possession, it shall produce the same. In case it denies possession, the affidavit shall state on oath the reasons and circumstances for such denial, leaving it open to the executing court to draw appropriate adverse inference in accordance with law.

7. With these observations, the revision petition is allowed in part.

8. Pending application(s), if any, also stand disposed of.

September 01, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No