

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 10735 / 2015

Rana Ram S/o. Shri Pema Raj Mi, by caste Ghanchi, aged about 40 years, resident of Ward No.29, Balotra, Tehsil Pachpadra, District Barmer (Raj.)

-----Petitioner

Versus

1. Aman Singh S/o. Shri Sukh Singh, by caste Rajpurohit, resident of Kelankot, at present R/o. Balotra, Tehsil Pachpadra, District Barmer (Raj.)

2. Bheem Singh S/o. Shri Sukh Singh, by caste Rajpurohit, resident of Kelankot, at present R/o. Balotra, Tehsil Pachpadra, District Barmer (Raj.)

3. Radha Kishan S/o. Shri Arjun Singh, by caste Rajpurohit, resident of Behind Dudh Diary, Balotra, Tehsil Pachpadra, District Barmer (Raj.)

4. Bhanwar Singh S/o. Shri Saheb Singh Ji, by caste Rajpurohit, resident of Behind Dudh Diary, Balotra, Tehsil Pachpadra, District Barmer (Raj.)

5. Ishwar Singh S/o. Shri Namalum, by caste Rajpurohit, resident of Bhind Dudh Diary, Balotra, Tehsil Pachpadra, District Barmer (Raj.)

-----Respondents

Connected With

1. S.B. Civil Writ Petition No. 11172 / 2015

(Paras Mal & Anr. Vs. Aman Singh & Ors.)

2. S.B. Civil Writ Petition No. 13794 / 2015

(Parasmal & Ors. Vs. Aman Singh & Ors.)

For Petitioner(s) : Mr. Manish Patel

For Respondent(s) : Mr. Sajjan Singh

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

03/04/2018

1. The petitioner has preferred these writ petitions, in

sum and substance, for the following reliefs :-

SBCWP No.10735/2015

“a) by an appropriate writ, order or direction, the order dated 29.05.2015 (Annex.1) may kindly be quashed and set aside;

b) by an appropriate writ, order or direction, the application of the respondents dated 04.9.2012 (Annex.5) may kindly be rejected with costs.

c) Any other appropriate writ, order or direction which this Hon`ble Court may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner.

d) Writ petition filed by the petitioner may kindly be allowed with costs.”



2. Learned counsel for the petitioner vehemently argued that the application for discovery of documents in the proceedings under Order 11 Rule 12 CPC could not have been allowed by the learned court below as certified copy of the documents were already in possession of respondents, which they had obtained from Municipality of Balotra for filing criminal case i.e. C.R. No.427/2004 against the petitioner, thus, filing of application (Annex.5) by the respondents is nothing but abuse of the process of law, as such, is liable to be rejected.

3. Counsel for the respondents, however, opposed the submission on the ground that the petitioner has nowhere stated

that the agreement and consent letter are not in his power and possession, which has been ordered to be discovered from him. Counsel for the respondent further submitted that that the petitioner is having ample remedy under Order 1 Rule 21 CPC to refute possession of documents by way of filing an affidavit.



4. In light of aforementioned submission, no interference is called for in the impugned order at this stage. These writ petitions are dismissed. However, the petitioner shall be at liberty to file affidavit as per law.

(DR. PUSHPENDRA SINGH BHATI)J.

Sanjay