

CS No. 1278/2025
Kumari Laxmi vs Rama Devi

06.02.2026

Kumari Laxmi

.....Plaintiff / applicant

Rama Devi & Ors.

.....Defendants/Non-applicant

Order

1. By this order, court shall decide the application under Order 11 Rule 14 CPC moved on behalf of plaintiff seeking production of documents.

2. In brief, it is stated that plaintiff is seeking production of documents / sale deeds relating to the schedule of property mentioned in the plaint which are maintained / possessed by the defendant no.1 Mrs. Rama Devi, who is mother of the plaintiff. The details of the properties against which the plaintiff has filed the partition suit are as under:-

- (i) Flat no.1, Mall Apartment Road, Near North University Campus, Delhi, measuring 1050 sq. feet.
- (ii) C-124, Anand Niketan, Moti Bagh, New Delhi, measuring 380 square yards and
- (iii) WZ-106/116, Rajouri Garden Extension, Near Tilak Nagar Metro Station, New Delhi measuring 123 square meter.

3. It is contended that title deeds of the aforesaid three properties are vested with defendant no.1 and through the present application, plaintiff is seeking production of the same. Late Braj Bihari Prasad, who was the father of the plaintiff and defendants no.2 to 5 and husband of the defendant no.1 expired on 13.06.1998, leaving behind the plaintiff and defendants as his only legal heirs. The subject matter of the suit is the aforesaid properties that allegedly were purchased by defendant no.1 by using the funds of her father. The funds flowed from the joint family nucleus and hotchpot and therefore, they retain the nature of a joint family property even though in the name of defendant no.1.

4. It is further submitted that defendant no.1 is in custody and possession of the title deeds of the properties and only if such documents are produced by defendant no.1, the plaintiff can establish her case for partition. Hence, the present application be allowed.

5. Reply has been filed on behalf of defendant no.1 and defendant no.4 wherein it is stated that application is misconceived and devoid of merits. The plaintiff has not approached this court with clean hands making baseless and vague allegations. The present application has been filed on fabricated and concocted grounds to harass the defendants. On one hand, the plaintiff has preferred the plaint for seeking

partition of the alleged property bearing flat no.1, Mall Apartment, measuring 1050 sq. ft., Mall Road, Near North University Campus, Delhi and on the other part, the plaintiff is seeking the production of documents qua various properties which have not been alleged as questioned properties. The plaintiff preferred the suit for partition in the year 2018 without explaining considerable delay. It prayed that application be dismissed.

6. I have heard both the sides and gone through the material available on record.

7. The provision under Order XI Rule 14 CPC reads 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.

8. The main plea taken by the plaintiff is that all three properties which are mentioned in the application had been purchased from the funds of the father of the plaintiff and for

proper adjudication of the present suit, examination of the sale deed/ documents of the property are required.

9. In case of **Sasanagouda v. Dr S. B. Amarkhed & Ors AIR 1992 SC 1163**, it was observed by the Apex Court that under Order XI Rule 14 CPC ,

“the Court is clearly empowered and it shall be lawful for it to order the production, by any party to the suit, such documents in his possession or power as relate to any matter in question in the suit provided the Court shall think right that the production of the documents are necessary to decide the matter in question. The Court also has been given power to deal with the documents when produced in such manner as shall appear just. Therefore, the power to order production of documents is coupled with discretion to examine the expediency, justness and the relevancy of the documents to the matter in question. These are relevant considerations which the court shall have to advert to and weigh before deciding to summoning the documents in possession of the party.”

10. Considering the facts and circumstances and on reading of the provision, I am of the opinion that no prejudice would be caused to the defendant, if the title / sale deeds are produced before the court for proper adjudication of the issues involved in the present case. It is made clear that production of

documents would not be taken as evidence or proof of any fact alleged by the parties in their pleadings. Since the mode of acquisition of the properties by the defendant is an important issue, therefore, it is felt appropriate if the title / sale deeds are ordered to be produced.

11. Accordingly, present application is allowed. Defendant no.1 is directed to place on record copy of sale deed of the properties mentioned in the application.

12. Application is accordingly disposed of.

(Anju Bajaj Chandna)
Principal District & Sessions Judge (Central)
Delhi/06.02.2026