

O.S.NO.327/2012

The counsel for the plaintiff has filed application U/s 151 of C.P.C. prays to call for the documents produced by the defendant in O.S.No.339/2013 on the file of this court.

In support of this application filed affidavit stating that, in O.S.No.339/2013 the defendant has produced sum original documents and those documents marked on his behalf. Further stated that those documents are very much necessary to prove his case. If the application is allowed no hardship will be caused to the plaintiff on the other hand the defendant will be put to great loss and hardship. Hence, he prays to allow the application.

The counsel for the plaintiff filed objection stating that application filed by the defendant is entirely vexatious, misconceived and malafide. Further stated that the defendant has filed the instant application is hit for absence of provision of C.P.C. Further stated that, the defendant states that he wants to ordered to returned original documents filed before this Hon'ble Court is not acceptable in law. Due to the absence of specific provision of law and relief sought in the application is not correct. Hence he prays to dismiss the application.

Heard both side. Perused the records.

The Plaintiff sought for the original documents produced by him in O.S.No.339/2013. Those documents marked on his behalf.

Order 13 Rule 10 of CPC says allow the parties to suit to apply for summoning, by Court, either from its own records or from any other Court, the record of any other suit or proceedings, and inspect the same. The documents sought by the plaintiff which were marked on his behalf. Mere quoting wrong provision is not a sole ground to reject the application. U/s 151 of CPC this court has inherent power to considered the application wherein a wrong provision is mentioned. Hence, this Court is of the opinion that, the application filed by the defendant deserves to be allowed. Hence, I proceed to pass the following;-

**ORDER**

Application filed by the defendant U/s. 151 of CPC is hereby allowed.

Call for the records pertaining to the O.S.No.339/2013 on the file of this Court.

Await Records.

Call on 04-04-2023.

III ACJ., C.R.Patna