

ORDER BELOW EXH.35

This is an application, made by Applicant under Order 11 (XI) Rule 14 of Code of Civil procedure seeking the direction to Opponent to produce the electricity bills and bill payment receipts of the floor mill (having Consumer no. 279941354445) from the month of January 2023 to June 2024, run by him. According to Applicant, the electric connection as to the said floor mill has been on the name of wife of the Opponent. production thereof, will help the court to reach at the just and fair decision of this proceedings. Opponent objected the said application that this is not the proper stage to call for production of document, also the said documents does not found in the pleadings of Applicant. Accordingly, Opponent prayed for rejection of the application.

2. As per Order XI Rule 14, it shall be lawful for the court, at any time during pendency of suit to order production by any party, such documents in his possession, relating to any matter in dispute. Although the provision occur to be made only for during the pendency of the suit, however under Sec.141 of the Code of Civil Procedure, the procedure as to the civil suit can be followed in the miscellaneous proceedings.

3. Perused the Record. Heard both sides. Upon perusal of record, it occurs that, this contempt petition has been moved by Applicant, for the alleged breach of Temporary Injunction Order by Opponent in RCS No. 269/2022 dated 23/12/2022, the subject matter of which occurs to be the floor mill run by the Opponent.

4. It is the settled law that, the documents which are forming the evidence of other party cannot be directed to be produced. Looking at the pleadings of Opponent in this proceedings, the documents of which

production is sought by the Applicant cannot be said to form the evidence of Opponent. The Opponent has also objected as to the stage of making this application. However, as per Order XI Rule 14, it occurs that court may order production of documents, at any stage. The Opponent has also objected that on what basis the Applicant has mentioned the consumer no. In his application. That means applicant has the necessary record regarding such consumer no. However, looking at the subject matter of original suit i.e. floor mill as well as pleadings of rival parties, it occurs to me necessary that the documents sought to be produced, may be relevant for the purpose of this proceedings. Accordingly, considering the said discussion I pass following order -

ORDER

1. Application is allowed.
2. The Opponent to produce the documents i.e. electricity bills and bill payment receipts of the floor mill (having Consumer no. 279941354445) as sought by the Applicant till next date without fail.
3. In case as objected by the Opponent himself, if the said Consumer no. 279941354445 does not belongs to the Opponent or his wife, the Opponent should submit the said on oath on next date.
4. Upon failure to comply with Order 11 Rule 21, the necessary orders under Order XI Rule 21 may be passed.

Date – 12/09/2024

O.S.SHASTRI
11th Jt. C.J.J.D., Sangli