

HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR

CM(M) 93/2024  
CM 1703/2024

Dilshada

...Appellant(s)/Petitioner(s)

Through: Mr. Manzoor Ahmad Ganie, Advocate

Vs.

Roshi Akhter and Anr.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER

29.03.2024

Petitioner who is plaintiff is pursuing a civil suit for permanent prohibitory injunction instituted way back in December, 2011 on the file No. 268/civil of the Court of Sub Judge Budgam.

During the stage of evidence recording, the petitioner/plaintiff came forward with an application instituted in July 2019 invoking Order 13 Rule 1 and 2 J&K Code of Civil Procedure Svt. 1977 (CPC) for production of two documents mentioned in the application, which as per the petitioner/plaintiff were left out from being mentioned in the list of the documents required to be entered along with presentation of plaint and also at the stage of production of documents in terms of the Order 13.

The trial court of the Sub Judge, Budgam has declined indulgence to the said application of the petitioner/plaintiff by virtue of an order dated 05.03.2024, aggrieved whereof the petitioner/plaintiff is invoking supervisory jurisdiction of this Court under article 227 of the Constitution of India for examining the legality and validity of the order so passed by the

trial court on the basis of the plea that the documents in reference are so essential to the list that its production is called for and even if the plea for producing them on the record of the suit file is delayed one but one of the document is nothing but an offshoot of a litigation in the form of a Commissioner's Report and an order passed in relation thereto by the civil appellate court.

Issue notice to the respondents.

Petitioner to furnish registered postal covers for effecting service upon respondents within a period of 07 days, whereupon the Registrar Judicial, Srinagar, shall issue notice to the respondents.

List on 01.05.2024.

In the meantime, proceedings before the court of Sub Judge Budgam shall remain stayed.

Sent for the record from the court of Sub Judge Budgam.

(RAHUL BHARTI)  
JUDGE

SRINAGAR:  
29.03.2024  
"Mir Arif"