

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

S.B. Civil Writ Petition No. 5967/2026

Santosh Kumar S/o Shri Achalaram Naval, Aged About 55 Years,
Resident Of In Front Of Khoja Chakki, Bhadwasiya Road,
Maderna Colony, Jodhpur (Raj.).

-----Petitioner

Versus

1. Papparam S/o Shri Manaram, Resident Of Meghwalon Ka Bas, Vill-Jhalamand, Tehsil And District Jodhpur.
2. Mrs. Vibha Chakraborty W/o Mr. M.k. Chakraborty, Resident Of Plot Number 10, Akhe Niwas, Air Force, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Vasu Dev Gaur

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

23/03/2026

The present writ petition has been filed by the petitioner assailing the impugned order dated 16.09.2025, whereby the application filed under Order XI Rules 12 and 14 of the Code of Civil Procedure, 1908 has been rejected by the trial Court.

Learned counsel for the petitioner submits that the petitioner has instituted a suit for declaration and injunction. During the pendency of the said suit, the petitioner moved an application seeking a direction for production of original sale agreement and alleged power of attorney by respondent No.1, which are essential for the just and proper adjudication of the dispute. However, the said application seeking to produce the said documents on record has been erroneously rejected by the learned trial Court.

It is further submitted that unless the said documents are brought on record, the real controversy involved in the matter cannot be effectively adjudicated.

In support of his submissions, learned counsel has placed reliance upon the judgment passed by this Court in the case of ***New India Assurance Co. Ltd. vs. Sumer Chand & Ors,*** reported in ***2004 Supreme (Raj.) 1454.***

The matter requires consideration.

Issue notice to the respondent(s), returnable within a period of six weeks.

In the meanwhile and till next date, the effect and operation of impugned order dated 16.09.2025, passed by Additional Civil Judge No.06, Jodhpur Metro in Civil Suit No.1216/2015 titled "Santosh Kumar Vs. Papparam & Ors." shall remain stayed.

(MUKESH RAJPUROHIT),J