HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7990/2026

Shehjad Hussain S/o. Ishtehak Hussain, Aged About 51 Years, Resident Of House No.3-F-30, Vigyan Nagar, Kota (Raj.)

----Petitioner

Versus

M/s. Sitaram Chandel, H.U.F. 59-M.P. Colony, Bajariya Sawai Madhopur Through Owner Sitaram S/o. Shivbux Chandel, Aged About 52 Years, Resident Of M.P. Colony Bajariya, Sawai Madhopur (Raj.) Deceased Through LR.s.

1/1. Lalit S/o. Sitaram Chandel

1/2. Mahesh Chand S/o. Sitaram Chandel

1/3. Suman D/o. Sitaram Chandel

1/4. Kamla W/o. Sitaram Chandel

Resident Of M.P. Colony, Bajariya Sawai Madhopur (Raj.)

----Respondents

For Petitioner(s)	:	Mr. Ashish Sharma Upadhyay
For Respondent(s)	:	

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

06/05/2026

1. The present writ petition has been preferred by the petitioner assailing the impugned order dated 05.03.2026 passed by the learned Additional District & Sessions Judge, Sawai Madhopur, in Civil Suit No.07/2021, titled as *"M/s. Sitaram Chandel Vs. Shehjad"*, whereby the petitioner's application filed under Order 11 Rule 12 and 14, read with Section 151 of the Code of Civil Procedure, 1908 (CPC), was rejected.

2. Brief facts giving rise to the present petition are that the respondent (plaintiff therein) filed a civil suit for recovery of Rs.15,70,750/- against the petitioner (defendant therein) in the

year 2021. It was stated in the plaint that the respondent-firm works as a wholesaler of livestock, while the petitioner works as a butcher. It was averred in the plaint that the petitioner purchased goats worth Rs.15,20,000/- and a receipt thereof was issued. The respondent filed the civil suit after the petitioner declined to make payment, and a cheque issued by the petitioner was dishonoured. Therefore, the suit for recovery was filed.

3. The petitioner filed a written statement to the suit, denying the averments made therein. He specifically denied having issued any receipt acknowledging receipt of goats worth Rs. 15,20,000/- from the respondent, contending that he had no requirement for such a large number of goats. Accordingly prayed for dismissal of the suit.

4. On the basis of the pleadings of the parties, the learned Trial Court framed three issues.

5. During pendency of the suit, the petitioner filed an application dated 18.11.2023 under Order 11 Rules 12 and 14 CPC read with Section 151 CPC, with the averments that the respondent had claimed Rs.15,20,000/- for sales on a single day, implying that the annual turnover of the respondent firm must be in Crores of rupees. Accordingly, it is necessary as per law to maintain bill book, GST registration, GST returns, Income Tax Returns (ITR), and balance sheet and the same are required for doing complete justice in the matter. It was further stated that these documents must be in the power and possession of the respondent, therefore, prayed that the present application may be

allowed and the respondent may be directed to produce the aforesaid documents before the Court.

6. Thereafter, the respondent filed a brief reply dated 09.05.2024 to the application, denying the averments made therein, while stating that that the firm has not obtained any GST registration and asserts that he is not in power and possession of the documents specified in the application; consequently, he is unable to produce them before the Court.

7. After hearing the arguments of both parties, the learned Trial Court rejected the application filed by the petitioner.

8. Aggrieved by which, the present petitioner has preferred the present writ petition.

9. Learned counsel for the petitioner submits that the learned Court below erred in rejecting the application filed under Order 11 Rule 12 and 14 of CPC, read with Section 151 of CPC. He further submits that the learned Court below erred in rejecting the petitioner's application on the premise that the petitioner is bound to prove his defence as averred in the written statement and cannot be permitted to collect evidence by way of such an application. He further submits that the impugned order is arbitrary and liable to be set aside, and therefore prays that the impugned order dated 05.03.2026, being perverse, may kindly be set aside.

10. Heard the submissions advanced by learned counsel for the petitioner and perused the record including the impugned order dated 05.03.2026.

11. From a bare perusal of the of the record, it is evident that the petitioner filed an application under Order 11 Rule 12 and 14, CPC for production of certain documents that are in power and possession of the respondent for proper adjudication of the suit. In reply thereto, the respondent has clearly denied the fact that the firm is not registered under the GST Act, and that he is not or have not been in power or possession of any of the documents as narrated in the application.

12. Since the respondent has denied that the aforesaid documents are in his power and possession, which is a *sine qua non* for allowing an application under Order 11 Rules 12 and 14 of the CPC, the learned Trial Court has rightly rejected the application filed by the petitioner.

13. Furthermore, a perusal of the impugned order reveals that the learned Court below, while rejecting the application, has observed that it is settled principle of law that a party must prove their own case by leading their own evidence. The petitioner's application to summon documents is legally untenable as the law is clear that the court can not be used as a medium for collecting evidence for a litigant and the burden lies squarely on the petitioner to substantiate his defence by producing his own witness and documents, rather than seeking the court's assistance to build his case.

14. In that view of the matter, this Court is of the considered opinion that the impugned order dated 05.03.2026 does not suffer from any jurisdictional error, illegality, perversity, or legal infirmity

so as to warrant any interference by this Court under the powers conferred by Article 227 of the Constitution of India.

15. Accordingly, the present writ petition fails and is hereby dismissed.

16. All other pending application(s), if any, shall stand disposed of.

(MANEESH SHARMA),J

Seema/16