

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3465/2006

(From the judgement and order dated 17/01/2006 in WPC No. 5/2006 of The HIGH COURT OF JHARKHAND AT RANCHI)

CEDRICK MAXWEL FRANCIS & ORS.

Petitioner(s)

VERSUS

BENGAL CLUB & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 08/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr. Ajit Kumar Sinha,Adv.

For Respondent(s)

Mr. Deba Prasad Mukherjee,Adv.

Ms. Nandini Sen, Adv.

UPON hearing counsel the Court made the following

O R D E R

Special Leave granted.

The appeal is allowed in terms of the signed order.

No order as to costs.

(Sukhbir Paul Kaur)

(Vijay Dhawan)

Court Master

Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.117 OF 2007

(Arising out of SLP(C) No.3465 of 2006)

CEDRICK MAXWEL FRANCIS & ORS.

...Appellant(s)

Versus

BENGAL CLUB & ORS.

...Respondent(s)

O R D E R

We have heard counsel for the parties.

Special Leave granted.

The appellants who are plaintiffs in the suit are aggrieved by the order of the High Court dated 17th January, 2006 whereby their application to produce certain documents on record was rejected by the Trial Court and affirmed by the High Court. It is not disputed that the suit filed by the appellants is for a declaration that the appellants are the tenants of the respondents. It is also not disputed that the appellants have not so far put in evidence the letters on which they rely in proof of landlord-tenant relationship. Counsel for the respondent submits that the recording of evidence on behalf of the plaintiffs is over and now the Court has fixed a date for recording of evidence on behalf of the defendants.

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Having regard to the facts and circumstances of the case, interest of justice will be served if the appellants are given one opportunity to produce such documents as they wish to produce by way of evidence. Counsel states that copies have already been produced but the originals of the documents have to be produced. The

appellants may do so and prove those documents in accordance with law.

The impugned order of the High Court is set aside. W
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direct that the Trial Court shall give the appellants only one opportunity of producing the concerned originals and proving those documents. No adjournment shall be granted by the Trial court on any ground whatsoever. Thereafter, the Trial Court shall proceed in accordance with law and decide the suit as early as possible preferably within a period of six months.

This appeal is accordingly allowed.

No order as to costs.

.....J.

(B.P.SINGH)

.....J.

(TARUN CHATTERJEE)

New Delhi,

January 8, 200

