

S.B.Civil Writ Petition NO.2439/2005

M/s. P.K. Seeds vs. Navneet Kumar and ors.

DATE OF ORDER : - 27.4.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. CS Kotwani, for the petitioner.

Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 16.2.2005 by which the Rent Tribunal directed the petitioner to produce the documents which are in relation to his sole proprietorship firm.

The facts of the case in brief that according to the petitioner/ defendant, originally the premises were taken on rent by the proprietorship firm but subsequently, the partners were taken in and it was converted into partnership firm. On the application of the plaintiff/ respondent, the trial court directed the petitioner to produce the documents relating to proprietorship firm.

According to learned counsel for the petitioner, the petitioner himself has admitted that the petitioner's original tenant was sole proprietorship firm and, therefore, the Rent Tribunal should not have directed the petitioner to produce the document relating to sole

proprietorship firm. It is also submitted that CPC has no application for the trial of the petition filed under the Rent Control Act, 2001, therefore, the tribunal committed illegality in allowing the application.

I have considered the submissions of learned counsel for the petitioner.

It is clear from the facts stated by learned counsel for the petitioner that the case of the petitioner himself is that the premises was taken on rent by the sole proprietorship firm and the Court has already directed the petitioner to produce the document on the request of the plaintiff. Any party has right to seek discovery and production of the document from the other party to prove his case and to destroy other's case and when the Rent Tribunal has power to prescribe its own procedure, then the Rent Tribunal has if passed such an order, it is well within its jurisdiction. No illegality has been committed by the Rent Tribunal nor there is lack of jurisdiction in passing the impugned order.

In view of the above discussion, I do not find any merit in the writ petition and accordingly the same is hereby dismissed.

(Prakash Tatia), J.
s.phophaliya/-