

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writs No. 25897/2018

Naresh Sharma S/o Shri Radha Krishan Sharma, Aged About 42 Years, By Caste Jangid Brahmin, R/o Villlage Lili, Sub-Tehsil Malakhera, Tehsil And District Alwar.

----Petitioner

Versus

1. Smt. Rajrani Badhwa W/o Shri Jagdish Chand Badhwa, By Caste Badhwa, R/o Mohalla Nukti Ka Kua, Alwar, Tehsil And District Alwar.
2. Ghanshyam Sharma S/o Radha Krishan Sharma, By Caste Jangid Brahmin R/o Suriya Bas Gayatri Mandir Road, Alwar, Tehsil And District Alwar.

----Respondents

For Petitioner(s) : Mr. Manu Bhargav, Adv.

For Respondent(s) :

HON'BLE MR. JUSTICE VEERENDR SINGH SIRADHANA

Order

30/11/2018

An application under Order 8 Rule 1 CPC instituted by the defendant – petitioner has been declined vide impugned order dated 31st October, 2018, is the cause for institution of the present writ application.

Learned counsel for the petitioner asserted that the petitioner is in possession of the premises in dispute, and therefore, documents are relevant and ought to have been taken on record. While addressing the issue on delay, if any, it is urged that same could be compensated by way of award of costs.

I have heard the learned counsel for the petitioner and critically examined the impugned order so also the materials available on record.

Indisputably, there is no relief prayed for by the plaintiff(s), with reference to the possession. The Court below while declining the application of the petitioner specifically observed that the documents, which are sought to be introduced, are not at all relevant and are also not necessary for complete adjudication of the matter for the suit has been instituted for specific performance of the agreement.

For the reasons detailed out in the impugned order dated 31st October, 2018, declining the application of the petitioner and in view of the conspicuous facts of the case at hand; this Court is not inclined to exercise writ jurisdiction under Article 227 of the Constitution of India so as to interfere with the impugned order.

In the result, writ application fails and is hereby allowed.

No costs.

(VEERENDR SINGH SIRADHANA),J

SS/79

सत्यमेव जयते