

**Narbada Prasad Vs. Vijay Ram**

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**SooperKanoon Citation :** [sooperkanoon.com/1042943](http://sooperkanoon.com/1042943)

**Court :** Madhya Pradesh

**Decided On :** Feb-04-2013

**Appellant :** Narbada Prasad

**Respondent :** Vijay Ram

**Advocate for Pet/Ap. :** Shri. R.K.Verma

**Judgement :**

1 W.P.No.1816/2013 4.2.2013 Shri R.K.Verma, learned counsel for the petitioner.

Challenging the order dated 5.1.2013 Annexure P/ 8 passed by the Court of XIXth Civil Judge, Class I, Bhopal whereby the application filed by the petitioner under Order XI Rule 14 of CPC for producing the original deed of partition from the respondents is rejected, this writ petition has been filed.

Respondents plaintiffs have filed the suit in question for declaration and permanent injunction and in the said suit at the time of final hearing after all the evidence was recorded, petitioner filed an application for production of the document in question.

The Court found that apart from the fact that partition deed is not necessary for deciding the controversy, it was found that the application has been filed belatedly at the stage when the suit is fixed for final hearing after recording of evidence and there is direction of the High Court for deciding the suit.

Accordingly finding document need not to be produced, the application filed by the petitioner under Order XI Rule 14 of CPC was rejected.

Rejection of the application and reasons given therein by the Court below cannot be termed as 2 perverse or illegal to such an extent that interference into the matter by this Court is called for.

Accordingly, granting liberty to the petitioner to challenge the final order that may be passed by raising the grounds as may be canvassed in the writ petition, this petition is dismissed.

(RAJENDRA MENON) JUDGE Mrs.mishra

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