(2011) 04 P&H CK 0310

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 2799 of 2011 (O and M)

Anil Mittal		APPELLANT
	Vs	
Punjab State Electricity Board and Others		RESPONDENT

Date of Decision: April 29, 2011

Acts Referred:

- Constitution of India, 1950 - Article 227

Hon'ble Judges: Ram Chand Gupta, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Ram Chand Gupta, J.

C.M. No. 11252-CII of 2011

1. Application is allowed subject to all just exceptions.

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2. The present revision petition has been filed under Article 227 of the Constitution of India for revision of order dated 14.3.2011, Annexure P1, vide which application of Petitioner-Plaintiff for production of data/information has been dismissed.

3. I have heard learned Counsel for the Petitioner and have gone through the whole record carefully including the impugned order passed by learned trial Court.

4. Facts relevant for the decision of present revision petition are that a suit for declaration was filed by Petitioner-Plaintiff to the effect that notice served upon him by Respondents for recovery of Rs. 26.81 lacs is null and void. When the case was fixed for evidence of the Plaintiff, the present application has been filed by him under Order XI Rules 12 and 14 of the CPC for directing the Respondents to produce data allegedly down loaded from the meter. Application was contested by the

Respondents-Defendants on the plea that no such data was down loaded and no such data is in their possession. Hence, the application was disposed of by learned trial Court by observing as under:

3. I have heard the learned Counsel for the parties and have gone through the file with minute care. The Plaintiff has filed suit for declaration to the effect that demand notice 425 dated 17.9.2009 amounting to Rs. 26,81,000/- is null and void. The case was fixed for evidence of Plaintiff and the Plaintiff has moved application to give directions to Defendants to produce the data. The Defendants have denied that they are in possession of data. As the Defendants have alleged that they are not in possession of data, no application can be given to Defendants to produce the data. However, the Defendants are precluded from producing the data except permission of the court. Application is disposed of accordingly.

5. Sufficient reasons have been given by learned trial Court in declining the request of Petitioner-Plaintiff.

6. Hence, in view of the aforementioned facts, it cannot be said that any illegality or material irregularity has been committed by learned trial Court in passing the impugned order or that a grave injustice or gross failure of justice has occasioned thereby, warranting interference by this Court.

7. Moreover, law has been well settled by Hon''ble Apex Court in Surya Dev Rai v. Ram Chander Rai and Ors. 2004(1) RCR 147 that mere error of fact or law cannot be corrected in the exercise of supervisory jurisdiction by this Court. This Court can interfere only when the error is manifest and apparent on the face of proceedings such as when it is based on clear ignorance or utter disregard of the provisions of law and that a grave injustice or gross failure of justice has occasioned thereby.

8. Hence, the present revision petition is, hereby, dismissed being devoid of any merit.