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MP-1513-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 29th OF OCTOBER, 2025MISC. PETITION No. 1513 of 2025*JAGDISH AND OTHERS**Versus**DILIPSINGH AND OTHERS*

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Appearance:

Shri Rohit Sinnarkar - Advocate for the petitioner.

Shri Mukesh Parwal - Govt. Advocate for the respondent No. 8/State.

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ORDER

1. This miscellaneous petition under Article 227 of the Constitution of India is preferred challenging the order dated 20.01.2025 passed in RCS No.680A/2023 by the IXth District Judge, District Indore whereby the petitioners' application filed under Order XIII Rule 10 of CPC for calling the records from the Collector's proceedings in Case No. 32/Revision/1998-99 and Tahsildar's order.

2. Facts of the case in brief are that a suit has been filed by the plaintiff/respondent No. 1 seeking relief of declaration, injunction, possession, and a declaration that the registered sale deed executed in respect of Survey No. 146/1/1, admeasuring 3.845 hectares, situated at Village Setkhedi, Tehsil and District Indore (hereinafter referred to as the "suit land"), is null and void.

3. The aforesaid suit has been contested by defendants No. 1 to 9 by



filing written statements, contending that the suit land had been given to petitioner No. 1 and respondent No. 2 on Adh-Batai by the plaintiff (respondent No. 1) since 1980-81. It was further contended that, subsequently, petitioner No. 1 and respondent No. 2 acquired Bhumiswami rights over the suit land in accordance with the prevailing legal provisions at the relevant time. The defendants filed the present application Under Order XIII Rule 10 CPC seeking a direction for the summoning of records pertaining to the Collector's proceedings in Case No. 32/Revision/1998-99 and for obtaining a certified copy of the order passed by the Tahsildar, as the Same are essential for the proper adjudication of the present suit, which was rejected the trial Court. Hence, present petition is preferred.

4. Counsel for the appellant has argued that the learned Trial Court has committed error in dismissing the application on the ground that the petitioners failed to demonstrate the necessity of the original record. The proceedings before the Collector in Case No. 32/Revision/1998-99 and the order passed by the Tahsildar are directly relevant to the adjudication of the present suit. Non-production of these records would deprive the petitioners of vital documentary evidence, resulting in grave prejudice. On these grounds, it is prayed that the present petition be allowed by setting aside the impugned order.

5. Govt. Advocate for the State has vehemently opposed the prayer made by the petitioners.

6. Considering the contents of the plaint and the relief claimed, application filed under Order XIII Rule 10 of CPC ought to have been allowed and accordingly order dated 20.01.2025 passed by the Trial Court is



hereby set aside and Trial Court is directed to call the records from the Collector's proceedings in Case No. 32/Revision/1998-99 and Tahsildar's order or direct the concerned authority to provide certified copy of the required revenue record, within a period of 15 days from the date of receipt of certified copy of this order.

7. It is also made clear that if the requisite documents/records is not available with the concerned authority, then, a reasoned and speaking order be passed.

8. With the aforesaid, this petition is **disposed of**.

Certified copy, as per Rules.

(ALOK AWASTHI)
JUDGE

Vindesh