

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

1. **CR-105-2026 (O&M)**  
**Reserved on :-11.02.2026**  
**Date of Pronouncement:-17.02.2026**  
**Uploaded on:-18.2.2026**
- Sant Jaspal Singh  
... Petitioner
- Versus
- Baba Jeet Singh  
... Respondent
2. **CR-870-2026 (O&M)**
- Baba Jeet Singh @ Sant Baba Jeet Singh  
... Petitioner
- Versus
- Sant Jaspal Singh  
... Respondent

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**CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Argued by :-

Mr. Rahul Sharma, Senior Advocate with  
Mr. Ayush Loomba, Advocate  
for the petitioner in **CR-105-2026** and  
for the respondent in **CR-870-2026**.

Mr. Sangram Singh Saron, Advocate with  
Ms. Shubreet Kaur, Advocate  
for the petitioner in **CR-870-2026** and  
for the caveator/respondent in **CR-105-2026**.

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**VIRINDER AGGARWAL, J.**

1. This common order shall govern and conclusively dispose of two connected revision petitions emanating from Civil Suit No. 311 of 2022 titled **Sant Jaspal Singh vs. Baba Jeet Singh**. One petition has been

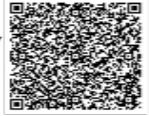


instituted at the instance of the plaintiff, and the other at the behest of the defendant.

2. The petitioner–plaintiff has instituted the present revision petition impugning the order dated 05.12.2025, whereby the earlier order allowing the application for summoning of a witness was recalled, as well as the order dated 06.08.2025, whereby the application seeking production of records pertaining to income, expenditure, donations, bank accounts, assets, and financial transactions of Dera Nirmal Kutiya, Johalan, and of the respondent, was declined.

3. Briefly stated, the petitioner–plaintiff instituted a suit seeking a decree of declaration, permanent injunction, and mandatory injunction to the effect that the respondent had been validly removed from the position of Head of Dera Nirmal Kutiya. Consequential reliefs were also sought restraining the respondent from alienating and/or dealing with the assets and accounts of the Dera, along with a prayer for rendition of accounts and appointment of a Receiver to manage the affairs of the Dera. The suit was contested by the respondent–defendant. Upon completion of pleadings and framing of issues, the petitioner moved an application seeking production of certain documents. The said application was opposed by the respondent–defendant and, vide impugned order dated 06.08.2025, the application was partly allowed, however, the prayer for production of bank records was declined.

4. Thereafter, the petitioner filed an application on 19.08.2025 for depositing diet money for summoning witnesses, which was allowed, and a bank official from Punjab National Bank along with the relevant record was ordered to be summoned. The respondent–defendant

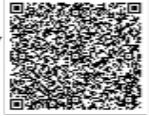


subsequently moved an application seeking recall of the summoning order in view of the order dated 06.08.2025. The said application was contested by the petitioner; however, the learned trial Court allowed the same vide impugned order dated 05.12.2025. Aggrieved thereby, the petitioner instituted the present Revision Petition No. 105 of 2026. The respondent entered appearance on caveat.

5. The respondent–defendant has also preferred a revision petition assailing the order dated 16.12.2025 passed by the learned Additional District Judge, Jalandhar, in a civil miscellaneous appeal arising out of the order dated 19.11.2022 passed by the learned Civil Judge, whereby the application of the respondent–plaintiff for appointment of a Receiver had been declined. While upholding the dismissal of the application for appointment of a Receiver, the learned First Appellate Court, with a view to preserve the property of the Dera, directed the petitioner–defendant to produce financial statements pertaining to the income and assets of the Dera. Aggrieved by the said direction, the present revision petition has been filed. The respondent–plaintiff has put in appearance.

5.1. Since both revision petitions arise out of the same civil suit and involve interconnected issues, they are being taken up together for disposal by this common order.

6. Learned counsel for the petitioner–plaintiff has contended that the impugned orders passed by the learned Civil Judge are unsustainable in law. It is submitted that the records pertaining to the financial transactions and bank accounts of the Dera as well as of the respondent are material and germane for the just adjudication of the suit, inasmuch as the respondent–

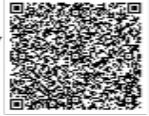


defendant is alleged to have been removed from the position of Head of the Dera on account of mismanagement and misappropriation of its funds, and for utilizing the movable and immovable properties of the Dera for his personal gain. It is argued that the learned Civil Judge declined the production of the said documents solely on the premise that they were not relevant, which finding is erroneous.

6.1. It is further contended that even assuming that the application for production of documents under Order XI Rule 14 of the Code of Civil Procedure was declined, the Court could not, in law, preclude or prevent the petitioner–plaintiff from leading evidence to substantiate the averments made in the plaint. By recalling the order summoning the clerk of Punjab National Bank along with the relevant bank records pertaining to the Dera and the respondent–defendant, the learned trial Court has effectively curtailed the petitioner’s right to adduce evidence.

6.2. It is additionally submitted that the learned trial Court has committed a patent error of law and has acted in contravention of the provisions of Order XVI Rule 1 of the Code of Civil Procedure. Learned counsel further contends that in civil jurisprudence, the questions of admissibility, probative value, and evidentiary weight are to be examined at the stage of final appreciation of evidence and not at the stage of summoning of witnesses or production of documents.

7. Learned counsel for the petitioner–plaintiff has further contended that the learned Additional District Judge, vide order dated 16.12.2025, has rightly directed the respondent–defendant to produce in Court the records pertaining to the income and expenditure of the Dera, as well as the details



of its movable and immovable properties. It is submitted that the said direction warrants no interference, having been issued with a view to preserve the properties of the Dera, which are public in character and do not vest in the respondent–defendant in his individual capacity. The respondent–defendant, at best, can be regarded as a trustee holding the properties on behalf of the devotees of the Dera.

7.1. Per contra, learned counsel for the respondent–defendant has contended that the order declining production of documents and recalling the summoning of the clerk of Punjab National Bank was rightly passed. It is argued that under Order XVI Rule 1 of the Code of Civil Procedure, it is incumbent upon the applicant to disclose the purpose for which a witness is sought to be summoned, and in the absence of any material specifying such purpose, the recall of the summoning order was justified. Reliance has been placed upon the judgment of the Hon’ble Rajasthan High Court in *Shrimati Vijay Devi vs. Shrimati Neeraj Law Finder Document ID-958523*.

8.1. It is further contended that an application for summoning a witness may be declined if it is not bona fide. In the present case, once the learned trial Court had declined the application for production of documents on the ground of irrelevance, the attempt to examine a witness for proving those very documents would amount to an abuse of the process of the Court. In support of this submission, reliance has been placed upon the judgment of the Division Bench of the Patna High Court in *Kumar Basant Narayan Singh and others vs. State of Bihar, AIR 1958 Patna 458*.



8.2. It has been further argued that the application for production of documents moved by the petitioner–plaintiff was rightly rejected, as a party cannot seek discovery or production of documents merely to enable it to fish out material for building its case. The opposite party can only be compelled to produce documents upon which it seeks to rely, and the Court is obliged to call for documents from a party only when it finds the same to be relevant and necessary for adjudication. In this regard, reliance has been placed upon the judgments of this Court in **Ramesh Rani Gulati vs. Narendra Kumar Gulati, 2010 (71) RCR Civil 198, and Munshi Ram vs. Vidya Devi and another, 2022 Volume 1 RCR Rent 595.**

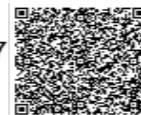
9. Before embarking upon adjudication of the rival submissions advanced by learned counsel for the parties, it is apposite to examine the application moved by the petitioner–plaintiff seeking production of documents, which reads as under:-

“Application for directing the defendants to produce the following records & documents in original on the file.

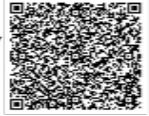
Sir,

It is submitted as under:-

1. That the above noted case is pending before this Hon'ble court and is fixed for today.
2. That in order to lead evidence, the following documents are quite crucial and necessary original of which are in possession of the defendant:-
  - a. Resolution dated 20.03.2002 regarding appointment of the defendant as head and of the plaintiff as assistant Subordinate Head Chhote Sant).



- b. Letter dated 02.08.2005 of Panchayati Akhara Nirmala Regd. Sati Ghat Road, Kankhal, Haridwar regarding confirmation of the appointment of the defendant.
  - c. Original record of accounts of income, receipt and expenditure of Dera Nirmal Kutiya Johlan including the records of 'Chadawa' amount received by the defendant and by Dera Nirmal Kutiya Johalan since year 2012 till today.
  - d. Details of bank accounts of the defendant in his own name in Jalandhar and elsewhere Details of bank accounts of Dera Nirmal Kutiva Johalan in Jalandhar or elsewhere.
  - e. Original account books of receipt and expenditure/ account books of the defendant as well as Nirmal Kutiya Johalan. of Dera
  - F. Pan Card, Aadhar Card of defendant himself and in the name of Dera Nirmal Kutiya Johalan
  - G. List and records of the crops sown, expenditure incurred and income derived from the total land of Dera Nirmal Kutiya Johalan each year from year 2012 till now.
  - H. List of purchases & sales of all immoveable and moveable properties of or on behalf of Dera Nirmal Kutiya Jonalan undertaken by the defendant or by Dera Nirmal Kutiya Johalan.
  - I. Details of all the expenses, income & donations made by the defendant individually and on behalf of Dera Nirmal Kutiya Johalan of any kind after 08.05.2021.
  - J. The records maintained by the defendant prior to and after the directions of the Hon'ble court to maintain records of the income and expenditure of Dera Nirmal Kutiya Johalan.
3. That the above said documents are very much essential for adjudication of the case and for leading evidence by the plaintiff.
- It is therefore prayed that the defendant may kindly be directed to



produce the above said documents in original for proper adjudication of the present case, in the interest of justice.”

10. Vide the impugned order dated 06.08.2025, the learned trial Court permitted production of the documents enumerated at Serial Nos. A and B of the said application; however, the prayer for production of the remaining documents was declined, with the following observations:—

*“However, from the perusal of material on record and the dispute involved in the present case, this court does not find following documents, as sought by the plaintiff by way of present application, related to any matter in question in the present suit. Hence, no direction can be issued to produce the same on record.”*

11. Accordingly, the documents enumerated at Serial Nos. C to K of the application were not directed to be produced, the learned trial Court having placed reliance upon the judgment of this Court in **Tata Iron and Steel Company Limited and others vs. Proprietor Ajit Cotton Ginning Pressing Dal and Steel Rolling Mills, 2013 Volume 1 RCR Civil 506**, wherein it has been held that a mandatory condition precedent for directing production of documents is that such documents must be relevant and must have a direct nexus with the *lis* involved in the suit.

12. Thus, the learned Civil Judge, upon observing that the documents enumerated at Serial Nos. C to K of the application did not pertain to or bear relevance to the subject matter of the suit, declined the prayer for their production.

12.1 Insofar as the impugned order dated 05.12.2025 is concerned, whereby the application seeking recall of the earlier order dated



19.08.2025 (allowing summoning of the witness) was allowed, the learned trial Court assigned the following reasons in support of its decision:—

*“Once the court has adjudicated upon the relevancy of a document and declined to summon it, the respondent/plaintiff can not circumvent the earlier adjudication by seeking the same record through another mode, vizually through the bank. The form of direction cannot override the substance of judicial determination. The contention of the plaintiff that the earlier order merely restrained the defendant from producing the record and not the bank is misconceived. The earlier order is founded on a clear finding of irrelevance of documents and not on inability of the defendant to produce the same. That finding bind the parties unless set aside by the competent authority.”*

13. The question that now arises for consideration is whether the documents enumerated at Serial Nos. C to K of the application are relevant to the controversy involved in the suit. For this purpose, it becomes necessary to advert to the averments contained in the plaint.

14. In paragraph 4 of the plaint, specific allegations have been levelled to the effect that the respondent—defendant was guilty of a series of acts of mismanagement at the level of the Dera and had acted beyond the powers conferred upon him, in derogation of the expected *maryada* attached to the office of Head of the Dera.

15. In paragraph 5, it has been alleged that the respondent—defendant, out of the funds of the Dera, engaged personal security guards and indulged in a display of authority and influence before fellow Sadhus by projecting the strength of such security personnel.

16. In paragraph 6, it is pleaded that the respondent—defendant had, on several occasions, confessed his misconduct, tendered apologies,



and assured that he would not repeat such acts; however, he allegedly failed to reform and instead became increasingly indifferent, indulging openly in worldly luxuries and conveniences, conduct stated to be unbecoming of a Sadhu and, a fortiori, of the Head of the prestigious Dera Nirmal Kutiya, Johalan.

17. In paragraph 9, it has been averred that the respondent–defendant, taking advantage of the fact that certain movable and immovable properties of the Dera stood recorded in his name, began asserting exclusive ownership over the same and initiated negotiations for alienation thereof, with the intent to secure wrongful gain to himself and to cause wrongful loss to the Dera. It is further alleged that the properties standing in his individual name were in fact acquired from the offerings and funds of the Dera and, therefore, vest in the Dera. Specific instances have been cited, including the purchase of a Mercedes-Benz car on 29.06.2021 from Dera funds, as well as two other vehicles, one Mercedes purchased in the year 2005 and a Toyota Land Cruiser purchased in August 2017, allegedly from Dera funds.

18. In paragraph 10, it is alleged that the competent authority took cognizance of the gross misconduct and misappropriation of Dera funds and properties by the respondent–defendant, and that Panchayati Akhada Nirmal consequently removed him from the position of Head of the Dera.

19. Further allegations have been made that the respondent–defendant, by virtue of his previous authority and the fact that certain immovable properties continued to stand in his name in the revenue record,



might alienate such properties to the detriment of the Dera and undertake unauthorized transactions from the bank accounts of the Dera.

20. In paragraph 18 of the plaint, a specific prayer has been made for appointment of a Receiver to take possession of the movable and immovable properties of the Dera; to assume control of bank accounts and fixed deposit receipts standing in the name of the Dera and/or the respondent–defendant; to supervise and regulate the receipt and deposit of offerings in cash, gold, and other valuables; and to prepare proper accounts and inventory of all assets of the Dera.

21. In view of the categorical allegations pertaining to mismanagement and misappropriation of the funds and properties of the Dera, coupled with the prayer for appointment of a Receiver to assume control over the assets and accounts of the Dera, the financial and property records assume central significance in the adjudication of the dispute.

22. Consequently, the documents enumerated at Serial Nos. C to K of the application are manifestly relevant to the determination of the issues arising in the suit and cannot, by any stretch of reasoning, be termed irrelevant.

23. In these circumstances, the learned trial Court erred in declining the application for production of the said documents and thereafter recalling the summoning of the clerk of Punjab National Bank along with the account records pertaining to the Dera and the respondent–defendant. The said documents are germane to the substantiation of the allegations contained in the plaint and are essential for a just and effective adjudication of the dispute between the parties.



24. Insofar as the order passed by the learned First Appellate Court directing production of certain financial information by the petitioner–defendant is concerned, the relevant extract of the said order reads as under:–

16. *As the property of Dera has not been owned by anyone personally and it is to be utilized and managed only for the welfare of the Sadhus of the Dera, so proper management is required. Though at this stage, this court is not inclined to appoint any Receiver in the present case as the plaintiff has been leading the evidence and the defendant is yet to lead the evidence and claim and counter claim of both the parties can be adjudicated only after both the parties lead their respective evidence. But at this stage, assets/properties of the Dera must be utilized for the welfare of the Dera and teaching of Nirmala Sect.*

17. *So, taking into consideration the above noted facts and circumstances on record, the respondent/defendant has been directed to furnish the following details in the learned Trial Court:*

(i) *Account Statements of the account of above noted Dera from filing the present suit till 31.12.2025.*

(ii) *The details of expenditures required every month to run the affairs of the Dera i.e. basic requirement of Nirmala Sadhus living there, salary and wages of the persons employed there and also to state how the above noted expenses have been met.*

(iii) *The details of offerings made by the people in the above noted Dera on monthly basis.*

(iv) *Income from the movable and immovable properties and assets of the Dera for the proper management of the above noted Dera on monthly basis.*



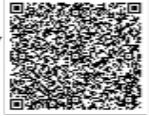
*(v) Statement of income and expenditures on quarterly basis after passing of this order and to report whether any audit has been made regarding the income and expenses of the above noted Dera. The above noted directions have been given only for the proper management of the funds of the above noted Dera.*

25. It is evident that the learned First Appellate Court has correctly observed that the properties of the Dera do not vest in any individual in a personal capacity, but are to be administered and utilized exclusively for the welfare of the Sadhus associated with the Dera and are required to be properly managed in accordance with its objects and traditions.

26. Though the learned First Appellate Court refrained from adopting the drastic measure of appointing a Receiver to assume control of the Dera from the petitioner–defendant, it has merely directed the petitioner–defendant to render and submit proper accounts, as delineated in paragraph 17 of the order reproduced hereinabove.

27. The aforesaid direction has been issued with a view to preserve and safeguard the suit property during the pendency of the proceedings. Furthermore, the property in question is not the exclusive or individual property of any of the litigating parties; rather, it belongs to the Dera, which is imbued with a public character. The Court, therefore, bears an obligation to ensure that the properties of the Dera are neither misutilized nor mismanaged.

28. In view of the foregoing, the directions issued by the learned First Appellate Court are legally sound and do not warrant interference in



exercise of revisional jurisdiction. Consequently, the revision petition preferred by the plaintiff stands allowed, whereas the revision petition filed by the defendant is dismissed.

29. Since the principal controversy has been adjudicated upon and stands finally disposed of on merits, all ancillary, interlocutory, or pending application(s), if any, subsisting on the record shall, by necessary implication, also stand disposed of, no separate orders being required thereon.

30. A copy of this order be placed on the file of the connected case for ready reference and for compliance, if any.

**17.02.2026**  
Gaurav Sorot

**( VIRINDER AGGARWAL )**  
**JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No