

Interrogatories

Definition:

Interrogatories are a set of questions which a party administers on the other party with the leave of the court.

Purpose and Objective:

Interrogatories are allowed for the following purposes:

1. To ascertain the nature of the opponent case or the material facts constituting his case.
2. To support one's own case, either
 - a. By obtaining admissions, or
 - b. By destroying the opponent's case.

Provisions of Law

- a. Interrogatories are covered under Order XI and Section 30 of Code of Civil Procedure, 1908.
- b. Order XI Rule 6 of Civil Procedure Code provides for objections to interrogatories may be taken in affidavit by answer.

“Order XI Rule 6

Objections to interrogatories by answer:-

Any objection to answering any interrogatory on the ground that it is scandalous or irrelevant or not exhibited bona fide for the purpose of the suit, or that the matters inquired into are not sufficiently material at that stage, or on the ground of privilege or any other ground, may be taken in the affidavit in answer.”

- c. Order XI Rule 8 Civil Procedure Code provides for mandatory filing of Affidavit in answer.

“Order XI Rule 8

Affidavit in answer, filing:-

Interrogatories shall be answered by affidavit to be filed within ten days, or within such other time as the Court may allow.”

- d. Section 30 of Civil Procedure Code provides for deliveries of interrogatories can be at any time.

“Section 30 - Power to Order discovery and the like

Subject to such conditions and limitations as may be prescribed, the Court may, at any time, either of its own motion or on the application of any party-

- (a) *Make such orders as may be necessary or reasonable in all matters relating to the delivery and answering of interrogatories, the admission of documents and facts, and the discovery, inspection, production, impounding and return of documents or other material objects producible as evidence;*
- (b) *Issue summonses to persons whose attendance is required either to give evidence or to produce documents or such other objects as aforesaid;*
- (c) *Order any fact to be provided by affidavit.”*

Types of Interrogatories may not allowed

- a. For making a fishing and roving inquiry.
- b. Constitute the evidence of the opposite party.
- c. Privileged communication
- d. Disclosure in contravention of public interest.

Judgments:

- a. **Rattan Mehta and Ors Vs. Gayatri Shah and Ors. (CM (M) 1738 of 2019.**

Hon'ble Delhi High Court in the above Judgment has held that Order XI of the Civil Procedure Code, contains salutary provision which are intended to curtail evidence thereby expediting trial of suit and as such their provisions are very useful. They have to be liberally used and parties have to be encouraged to use them in the course of trial.

- b. **Devi Dutt Khetan & Ors Vs. Smt. Sita Devi Khetan & Ors. (2020**

RLW 1458 (Raj.).

Hon'ble Rajasthan High Court in the above Judgment has held that So long as the interrogatories sought to be served, are relating to and relevant to matters in question having reasonable close connection, the same may be permitted and the mere fact that those facts can be proved by other evidence is no ground for refusing the permission to serve interrogatories.

c. Smt. Sharda Dhir Vs. Ashok Kumar Makhija (AIR 2003 Delhi 288).

Hon'ble Delhi High Court in the above Judgment has held that Interrogatories is to be encouraged as it is a means of obtaining admissions of parties and tends to shorten litigation.

d. Bhakta Charan Mallik Vs. Naraorar Mallik and others (AIR 1991 Orissa 319).

Hon'ble High Court of Orissa in the above Judgment has held that the main object of interrogatories is to save expenses and shorten the litigation.

e. Utkal Mining Industries Vs. Anand Kumar Chhaganlal 1986 (1) Civil CC (Orissa).

Hon'ble High Court of Orissa in the above Judgment has held that Availability of answer in the written statement is no ground to refuse Interrogatories.

f. Dr. Deepak Kothari Vs. Omnism Technologies Pvt. Ltd. SCA 12363 of 2018.

Hon'ble High Court of Gujarat in the above Judgement has held that Reply in Written statement would not be a ground to refuse the interrogatories and filing of written statement would not absolve the Petitioner from answering the interrogatories. Hon'ble court further held that answering of the interrogatories can be prayed by the party at any stage.

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