

**In The Court of Smt. Priyanka Saikia, Munsiff No. 2,
Sonitpur, Tezpur**

Case No: Misc(J) case No. 25/2019

Amir Hussain & Ors

-vs-

Soffiruddin Ahmed & Ors

23.11.2022

The instant Misc.(J) Case has been registered on the strength of petition no.200/2019 dated 30.01.2019 under Order VII Rule 14(3) read with Sec.151 of CPC for seeking leave to bring on record certain new documents.

The plaintiff/petitioner has stated that the suit was filed for recovery of possession, eviction and for permanent injunction. While preparing the affidavit-in-evidence, certain relevant documents relating to the suit could not be filed earlier and this comes to the notice of the concerned advocate only as the said documents were misplaced and mis-filed. Therefore, the listed documents are important and highly required documents which shall help the petitioner to assist the Hon'ble Court to properly adjudicate the matter in dispute between the parties to the suit. If the documents are not accepted, then plaintiff will suffer irreparable loss, harm and injury and no prejudice will cause to the defendant.

Perused the case-record and heard the Ld. Counsel for the plaintiff.

The learned counsel for the opposite party has vehemently objected the petition. He further stated that

the petition is not maintainable and petitioner with ulterior motive to defeat the justice by delaying the disposal of the suit.

Let us discuss the provision of **Order VII Rule 14(3) CPC** which provides that :

(3) A document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

The said provision provides that the document is to be filed by the plaintiffs at the time of presentation of the plaint. The said provision also contains that in case, certain documents could not have been filed at the time presentation of the plaint, with such a situation the relevancy of document has been assessed by the plaintiff as the case may, and to such situation, the provision has been made under Order VII Rule 14(3) of the CPC conferring power upon the trial court to grant relief, taking into consideration the relevancy of the documents.

In a recent judgment **Jay Shankar Yadav v. Bhola Yadav, reported in 2019 SCC OnLine Jhar 1509**, the Supreme Court held that Question of prejudice will be said to be caused if trial court would have passed an order while not granting liberty to defendants to cross-examine witnesses or for any of documents for which leave has been granted to mark it as exhibits but as would appear from order liberty has been granted to defendants

and therefore, part of prejudice has already been taken into consideration by trial Court.

Considering the facts and circumstances and the submission of the learned counsels and the case record, I am of the belief that the allowing of this petition will not be prejudicial in any manner to the defendants, rather it will help to proper adjudication. Hence, I deem it fit to allow this petition under Order VII Rule 14 (3) CPC stands allowed with the costs of Rs. 2,000/- considering the main suit is a long pending case, to be paid to the defendant by the plaintiff on the next date before the trial Court failing which order shall stand recalled. The documents filed by the plaintiffs with the petition under Order VII Rule 14 (3) CPC, be taken on record. The trial in the suit be expedited and be concluded within period of six months from the date of taking documents on record as the main suit is a long pending case. When any request is made for an adjournment it should be only entertained on an application in writing with reasons set out.

Accordingly, the Misc (J) Case stands disposed of.