

**Sumitra Vs. Gayadeen Chamar**

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**SooperKanoon Citation :** [sooperkanoon.com/1044628](http://sooperkanoon.com/1044628)

**Court :** Madhya Pradesh

**Decided On :** Dec-10-2012

**Appellant :** Sumitra

**Respondent :** Gayadeen Chamar

**Advocate for Pet/Ap. :** Shri. Amresh Mishra

**Judgement :**

1 W.P.No.20310/2012 10.12.2012.

Shri Amresh Mishra, learned counsel for the petitioner.

Heard on the question of admission.

The petitioner/ plaintiff has filed this petition under Article 227 of the Constitution of India for quashment of the order dated 28.11.2012 passed by the 1st Civil Judge, Class-I, Nagod in Civil Original Suit No.6-A/2009 whereby his application filed under Order 7 Rule 14 of CPC for taking annexed documents on record has been dismissed.

It is undisputed fact on record that such application has been filed subsequent to recording and closing the evidence of plaintiff and during recording the deposition of respondent/ defendant and their witnesses.

It also appears that concerning documents were very well in the knowledge in the petitioner/plaintiff on the date of filing the suit but till recording the evidence of the petitioner the same were not submitted before the trial Court.

Accordingly the same have been placed after commencement of the trial and as per mandatory provision of Order 7 Rule 14 of CPC such documents could not be taken on record by allowing the application under the aforesaid provision of Order 7 Rule 14 of CPC.

Consequently, the impugned order appears to be passed by the trial court under the vested jurisdiction and discretion of such Court, resultantly, the same does not require any interference in the writ jurisdiction of this Court enumerated under Article 227 of the Constitution of India.

Hence, this petition being devoid of merits is hereby dismissed at the stage of motion hearing.

2 However, it is made clear that under the provision of Order 7 Rule 14 (4) of CPC the petitioner/ plaintiff shall be at liberty to put the relevant documents in cross examination of the respondent/ defendant when their deposition would be recorded by the trial Court and the trial Court is directed to consider such evidence in accordance with the prescribed procedure permissible under the law.C.C.

as per rules.

(U.C.Maheshwari) Judge k

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