

Summa Vs. Girja Bai Judgement Given By: Hon'ble Shri Justice Rajendra Menon

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Court : Madhya Pradesh

Decided On : Jan-27-2014

Appellant : Summa

Respondent : Girja Bai Judgement Given By: Hon'ble Shri Justice Rajendra Menon

Advocate for Pet/Ap. : Shri. Patel

Judgement :

Writ Petition No :: 19467 / 2012 Summa and another versus Girja Bai and others
27.01.2014.

Shri A.L.Patel for the petitioners/defendants.

Shri Lalit Joglekar, PL, for respondent No.3/State.

None appears for the respondents 1 and 2/plaintiffs even though notices have been issued and more than six months have passed.

Petitioners are defendants and have filed this writ petition under Article 227 of the Constitution of India, challenging the order-dated 27.9.2012 passed by Civil Judge Class I, Katni in Civil Suit No.28-A/2012, whereby an application filed by the petitioners under Order VII Rule 14 of the Code of Civil Procedure, has been

rejected.

Learned counsel for the petitioners invited my attention to the order in question and argues that the learned court found that the documents are certified copies and can be taken on record and they also seem to be necessary for adjudication of the dispute between the parties.

However, the application is rejected only on the ground that it has been filed belatedly at the stage of evidence.

Shri Patel, learned counsel for the petitioners, points out that once the court found that the documents are certified copies that can be taken on record and further it is held that the documents are necessary for adjudicating the dispute, merely on the ground of delay the application could not have been rejected.

I find much force in the aforesaid contention of Shri Patel.

Once the Court found that the documents filed are 2 certified copies of the revenue records and orders passed by the revenue authorities, merely because the evidence has commenced the application should not have been rejected.

The delay could have been compensated by payment of cost and the documents taken on record else the possibility of the matter being remanded back and further delay being occasioned cannot be ruled out.

Accordingly, in view of finding recorded that the documents are relevant, interest of justice would be met in case the application is allowed.

The order impugned dated 27.9.2012 rejecting the application under Order VII Rule 14 CPC is quashed.

The documents are directed to be taken on record and the Court shall proceed in the matter in accordance with law.

However, the documents shall be taken on record after the plaintiffs are paid a cost of `2,000/- (Rupees Two Thousand Only). With the aforesaid, the petition stands allowed and disposed of.

Certified copy as per rules.

(RAJENDRA MENON) JUDGE Aks/-

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