

Nand Kishore Vs. Budhram

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Court : Rajasthan

Decided On : Apr-23-1986

Reported in : 1986WLN(UC)576

Judge : Dwarka Prasad Gupta, C.J.

Appeal No. : S.B. Civil Revision No. 747 of 1985

Appellant : Nand Kishore

Respondent : Budhram

Disposition : Petition allowed

Judgement :

Dwarka Prasad, C.J.

1. Heard learned Counsel for the parties.
2. The question as to whether the two certificates of posting which were produced late by the plaintiff were rightly admitted by the trial court under Order 13 Rule 2 CPC has been raised in this revision petition.
3. The application alongwith which the documents were produced did not disclose as to how and when the said documents were discovered by the plaintiff. No sufficient reason has been given for the non-production of these documents at an earlier stage. Under Order 13 Rule 2 CPC, the court was entitled to admit

documents if good cause was shown for their previous non-production. The trial court has not held that the plaintiff has good cause for the non-production of the two documents at an earlier stage at the time or before framing of the issues. The documents should not have been admitted merely subject to payment of the costs at the fag end of the trial because the evidence of both the parties has already been examined and the plaintiffs evidence in rebuttal is being examined. There was no justification as far the admission of these documents at this stage.

4. The order passed by the Additional District Judge, Kishangarh has district Alwar dated August 6, 1985 so far as it relates to the granting of permission to the plaintiff to produce the two certificates of posting is set aside and the revision petition is allowed to that extent only. The two documents, namely the certificates of posting shall, not be taken on record and they shall be excluded from consideration by the trial court.

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