

In the Court of Sub-Judge-I, Civil Court, Paliganj.

Title Suit No.- 78/1995

Date	Order	Remarks
21.01.2025	<p>Heard the parties and and perused the record. Having heard the parties and perusal of record court finds that plaintiff has filed this petition under order 13 rule 2 praying therein that to accept the documents mentioed in list of documents dated 09.09.2024. Further this record transpires that chance of filing of documents by parties has been closed in this case on 03.02.2017 by framing of the issues. Further evidence of plaintiff has also been closed on 21.06.2022 and this record has been coming pending for argument of plaintiff since 09.04.2024. It is pertinent to note here that this petition has been filed under order 13 rule 2 which has been omitted by CPC (AMENDMENT ACT)1999. Hence after amendment , petition to receive documents can not be filed under this rule . However there are provision under order 7 rule 14 (3) for plaintiff and under rder 8 rule 1-A (3) for defendant where court has power to receive document at later stage. Sub rule 3 of rule 14 of order 07 prescribed that “a document which ought to be produced in Court by plaintiff when a plaint is presented or to be enter in list to be added or annexed to plaint but not produced or entered, accordingly, shall not,without leave of court, be received in evidence on his behalf at the hearing of suit.”</p> <p>Considering the petition of plaintiff in light of provision of order 7 r 14 (3) court finds Sub rule 3 of rule 14 of order 07 requires the plaintiff to obtain leave of the court for producing document which ought to be produced in court when plaint is presented or to be entered in list to be added in plaint. But the documents as detailed in serial no. 1,2 & 8 . given in the list of documents annexed with this petition are post litem doicuments which were not in exitence at time of filing the plaint. Further documents as detailed in serial no. 3,4 & 7 . given in the list of documents annexed with this petition are photostate copy of some documents which are neither primary nor secondary documents and so as per settled principle of law these are not admissible in evidence . So petition in respect of documents as detailed in serial no. 1,2 3,4 ,7& 8 . given in the list of documents annexed with this petition are not allowed. However documents as detailed in serial no. 5 & 6 . given in the list of documents annexed with this petition appares to be relevant for just decision of case.However it is the point of the consideration that the petitioner has taken the long time for presenting the petitione before the court which provides the proper ground for avoiding compensation to other side by costs. Accordingly petition in respect of documents as detailed in serial no. 5 & 6 . given in the list of documents annexed with this petition is allowed on cost of 1000.</p> <p style="text-align: center;">Put up on 06.02.2025 for further proceeding.</p> <p style="text-align: right;">By Order Sub-Judge-I Paliganj</p>	