

**R.C.S. NO. 111/2022**  
**CNR No.MHYA11-001885-2022**  
**A One Group Builders & Developers VS. Tarabai Rude**

**ORDER BELOW EXH.NO.48**

The present application is filed by the plaintiff seeking permission to produce certain original documents on record. It is contended that the said documents are relevant and necessary for proper adjudication of the present suit.

**02]** Learned counsel for the plaintiff submits that the said documents could not be produced along with the plaint due to inadvertence and oversight. It is further submitted that the documents have direct bearing on the issues involved in the present suit and therefore permission may kindly be granted to place the same on record.

**03]** The learned counsel for the defendant opposed the application and submitted that the plaintiff ought to have produced the documents along with the plaint. It is contended that permitting the plaintiff to produce documents at this stage would cause prejudice to the defendant as he has already completed his 90% of his cross-examination and therefore the application deserves to be rejected. I have heard the learned advocates for both the sides and perused the record.

**04]** Perused cross examination below Exh.40. During the course of cross-examination, the learned counsel for the defendant has put certain questions to the witness with regard to some documents and in pursuance to such query witness deposed that, he can produce such documents on record. Upon perusal of the cross-examination, it reveals that the defendant has indeed referred to and questioned the witness in relation to the said documents. In view of the nature of the questions put by the defendant during cross-examination, the plaintiff has

expressed his intention to place the said documents on record. Since the defendant himself has made reference to the said documents during the course of cross-examination, permitting the plaintiff to produce the same would not cause any prejudice to the defendant. On the contrary, allowing the said documents to be brought on record would assist the Court in effectively adjudicating the issues involved in the matter. Hence, in the interest of justice, it would be just and proper to permit the plaintiff to produce the said documents on record.

05] So far as objection of defendant regarding stage at which document can be concerned, as per Order XIII Rule 1 of the Code of Civil Procedure, 1908, the parties to the suit are required to produce on or before the settlement of issues all documentary evidence in original where the copies thereof have been filed along with the pleadings. However, **Order VII Rule 14(3) of the Code of Civil Procedure, 1908** provides that a document which ought to have been produced in Court by the plaintiff when the plaint was presented, or to be entered in the list of documents annexed to the plaint, shall not be received in evidence **without the leave of the Court.** Thus, the Court is vested with discretion to grant leave to the plaintiff to produce documents at a later stage if sufficient cause is shown for their non-production earlier.

06] It is well settled that procedural law is intended to advance the cause of justice. The provisions relating to production of documents are primarily meant to ensure fairness in trial and to avoid surprise to the opposite party. However, the Court cannot lose sight of the fact that if relevant evidence is shut out on technical grounds, it may result in failure of justice.

07] In the present case, the plaintiff has argued that, the documents could not be produced earlier due to inadvertence. The documents sought to be produced appear to have bearing on the controversy involved in the suit. When the documents appear relevant for effective adjudication of the dispute, the Court should ordinarily lean in favour of permitting their production, subject to appropriate safeguards.

08] At the same time, the defendant cannot be put to prejudice due to the lapse on the part of the plaintiff. Such prejudice can be sufficiently compensated by imposing appropriate costs and by granting liberty to the defendant to raise objections regarding admissibility and proof of the documents at the appropriate stage.

09] Considering the stage of the proceedings and the relevance of the documents sought to be produced, I hold that, that the application deserves to be allowed in the interest of justice, subject to payment of costs. Needless to mention that the admissibility and evidentiary value of the said documents shall be decided at the appropriate stage in accordance with law. By considering the discussion in foregoing paras, I pass the following order-

### ORDER

1. The application (Exh.48) filed by the plaintiff seeking permission to produce additional documents on record is allowed subject to admissibility and proof.
2. The plaintiff is permitted to produce the said documents

on record subject to payment of costs of Rs. 1000/- to be paid to the defendant.

3. The defendant shall be at liberty to raise objections regarding the admissibility and proof of the said documents at the appropriate stage of the proceedings.

(Dictated and pronounced in open Court)

Date : 12.03.2026

Place : Umarkhed

(Jaykranti H. Panchal)  
3<sup>rd</sup> Jt. Civil Judge Junior Division,  
Umarkhed Dist. Yavatmal.