



2026:CGHC:9974



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 698 of 2021

- 1 - Durga Prasad S/o Bahadur Aged About 49 Years R/o Village Jawalpur, Tehsil Janjgir District Janjgir Chhattisgarh Defendant No. 2
- 2 - Chandrabhan S/o Bahadur Aged About 41 Years R/o Village Jawalpur, Tehsil Janjgir District Janjgir Chhattisgarh Defendant No. 3

... Petitioner(s)

versus

- 1 - Bhuwan Lal S/o Ganesh Ram Aged About 37 Years Caste Bind, R/o Village Jawalpur, Tehsil Janjgir District Janjgir Chhattisgarh(Plaintiff)
- 2 - Ram Kumar S/o Bahadur Aged About 54 Years R/o Village Jawalpur, Tehsil Janjgir District Janjgir Chhattisgarh Defendant No. 1
- 3 - Sheetal Bai Wd/o Late Arun Kumar R/o Near Machhali Talab Champa, Tehsil District Janjgir Chhattisgarh Defendant No. 4a
- 4 - Cheeku S/o Late Arun Kumar Aged About 18 Years R/o Village Champa, Tehsil Champa, District Janjgir Chhattisgarh Defendant No. 4b
- 5 - Rama D/o Bahadur Aged About 60 Years R/o Village Jawalpur, Tehsil Janjgir, District Janjgir Chhattisgarh Defendant No. 5
- 6 - Kshama D/o Bahadur Aged About 45 Years R/o Village Jawalpur, Tehsil Janjgir, District Janjgir Chhattisgarh Defendant No. 6

... Respondent(s)

For Petitioner(s)	:	Mr. Dharendra Prasad Mishra, Adv.
For Respondent(s)	:	Mr. Somnath Verma, Adv.

(Hon'ble Shri Justice Sachin Singh Rajput)

Order on Board

26/02/2026

1. Challenge in this writ petition under Article 227 of the Constitution of India is to an order dated 20.11.2021 passed by the learned Civil Judge, Class- I, Akaltara District



Janjgir Champa (CG). By the impugned order, the application of the petitioners filed under Order 8 Rule 1(3) of CPC was rejected.

2. Learned counsel for the petitioners submits that respondent No.1 had filed a suit for specific performance of contract in terms of agreement dated 29.05.1993 in respect of the suit property which is mentioned in the plaint. The suit was filed in the year 2001 and is pending consideration. He further submits that the written statement has been filed, and while the evidence of plaintiffs and defendants has been recorded, the cross-examination has not yet concluded. During the pendency of the present writ petition, the plaintiff appeared as a witness in another suit pending before the Additional District Judge, Janjgir-Champ. In that proceeding, the plaintiff testified to facts that contradict the pleadings in the present suit. Consequently, the petitioner sought to bring the certified copy of plaintiff's deposition from the other suit onto the record. It is submitted that the application to file these documents was erroneously rejected by the lower Court. The petitioner maintains that these documents are essential to establish the respondents' defence and to enable the learned Civil Judge to adjudicate the matter on its own merits. Thus, the petitioner contends that the impugned order is unsustainable and deserves to be set aside.
3. Learned counsel for the respondent while supporting the impugned order, submits that the plaintiff's evidence was closed in January, 2020. He contends that the application to introduce the purported document was filed belatedly in October 2021. Furthermore, he submits that the defendants are required to prove their pleadings on their own strength; therefore, a statement recorded in a separate civil suit involving the plaintiff is not necessary for the adjudication of the present case on its merits.
4. Heard learned counsel for the parties and perused the record.
5. Admittedly, a suit for specific performance of contract, based on an agreement dated 29.05.1993, was instituted in the year 2001. Upon perusal of the documents appended to the record and the submissions made, it is evident that the plaintiff's evidence has been closed. The defendant has also examined himself and has been subjected to cross-examination. It appears that the said application was filed in the



month of October, 2021. A perusal of the impugned order indicates that learned Civil Judge observed that the documents purportedly sought to be taken on record do not appear necessary for adjudication. The findings so recorded appear to be based on a proper appreciation of the material on record. There is no jurisdictional error or irregularity.

6. The writ petition is dismissed. All pending applications stand disposed of.

Sd/-

(Sachin Singh Rajput)

JUDGE

Parul