

GAHC010051962026



2026:GAU-AS:3979

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(IO)/84/2026

HARMINDER PAL SINGH
S/O SRI SWARN SINGH, R/O WARD NO. 9, NORTH LAKHIMPUR, P.O. AND
P.S.- NORTH LAKHIMPUR, DIST- LAKHIMPUR, ASSAM-787001

VERSUS

MANJIT SINGH
S/O SRI SWARN SINGH, R/O WARD NO. 9, NORTH LAKHIMPUR, P.O. AND
P.S.- NORTH LAKHIMPUR, DIST- LAKHIMPUR, ASSAM-787001

Advocate for the Petitioner : MR. S K SINGH, MR. P SUNDI

Advocate for the Respondent : MR. D CHAKRABARTY,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 18.03.2026

Heard Mr. S K Singh, learned Senior counsel assisted by Mr. P Sundi, learned counsel for the petitioner. Also heard Mr. D Chakraborty, learned counsel for the respondent.

2. By way of the present petition under Article 227 of the Constitution of India, the petitioner assails the impugned order dated 21.02.2026 passed in

Title Suit No. 9/2023 (**Sri Manjit Singh vs. Sri Harminder Pal Singh**), whereby the learned Civil Judge (Senior Division), North Lakhimpur, rejected the petitioner's application under Order VIII Rule 1A(3) of the CPC seeking leave to bring additional documents on record.

3. The respondent, as plaintiff, instituted the aforesaid suit seeking declaration of half share in the schedule land, partition of profits, permanent injunction, and other consequential reliefs. The petitioner, upon entering appearance, filed his written statement asserting exclusive ownership over the suit land. It was specifically pleaded that the plaintiff's name was incorporated in the sale deed only to fulfil the wishes of their ailing mother. The petitioner further asserted that he had developed the land, constructed a house, and established an authorised Maruti servicing center, which has been in operation since 2002 without obstruction.

4. In support of his defence, several documents were annexed to the written statement. During the course of cross-examination of PW-1, certain additional documents having material bearing on the controversy came to light. Upon tracing the said documents subsequently, the petitioner filed an application under Order VIII Rule 1A(3) of the CPC seeking leave to bring them on record. The Trial Court, however, rejected the said application, giving rise to the present petition.

5. Learned senior counsel for the petitioner submits that the documents sought to be produced are directly connected with the defence already pleaded. It is contended that the same could not be filed earlier as they were misplaced and were traced only subsequently. It is further urged that the Trial Court rejected the application without assigning cogent reasons and failed to exercise its discretion in the manner mandated by law. Reliance is placed on ***Sugandhi***

(Dead) by LRs vs. P. Rajkumar reported in **(2020) 10 SCC 706** and **Levaku Pedda Reddamma vs. Gottumukkala Venkata Subbamma**, reported in **2022 Livelaw (SC) 533**, to contend that procedural rules ought not to defeat substantial justice.

6. *Per contra*, learned counsel for the respondent submits that the petitioner had full knowledge of the documents and failed to produce them along with the written statement as required under Order VIII Rule 1A(1) of the CPC. It is contended that permitting such documents at the stage of evidence would amount to altering the nature of the defence and would cause prejudice to the plaintiff.

7. I have considered the submissions advanced by the learned counsel for the parties and perused the materials on record.

8. Order VIII Rule 1A of the CPC casts an obligation upon the defendant to produce all documents relied upon at the time of filing the written statement. However, sub-rule (3) carves out an exception by empowering the Court to grant leave for production of such documents at a later stage. The provision, thus, incorporates a degree of flexibility, enabling the Court to advance the cause of justice where sufficient cause is shown.

9. The discretion under Order VIII Rule 1A(3) of the CPC is undoubtedly to be exercised judiciously. However, it is equally well settled that procedural rules are handmaids of justice and ought not to be applied in a manner that defeats substantive rights. The Hon'ble Apex Court in **Sugandhi (supra)** has held that where procedural violations do not cause serious prejudice to the adversary, the Court must lean in favour of substantial justice. Similarly, in **Levaku Pedda Reddamma (supra)**, the practice of rejecting applications for production of

additional documents solely on the ground of delay has been deprecated.

10. In the present case, the documents sought to be brought on record include registration certificates, licences, electricity records, loan documents, and tax receipts, all of which prima facie relate to the petitioner's claim of exclusive possession, development, and business activities on the suit land. The explanation furnished by the petitioner, namely that the documents were misplaced during cleaning and were subsequently traced, cannot be said to be implausible or lacking in bona fides.

11. It is also significant that the application was filed at the earliest opportunity during the cross-examination of PW-1 and prior to the commencement of the petitioner's evidence. The respondent would have adequate opportunity to meet the said documents and cross-examine the petitioner thereon. In such circumstances, no irreparable prejudice can be said to be caused to the respondent.

12. The contention that the documents are beyond the pleadings is equally untenable. The petitioner has consistently pleaded exclusive ownership, development of the land, and operation of business thereon. The documents sought to be produced are in furtherance of the said defence and do not introduce any new or inconsistent case.

13. In view of the above, this Court is of the considered opinion that the learned Trial Court failed to exercise the jurisdiction vested in it in a judicious manner. The impugned order dated 21.02.2026 is thus patently erroneous and liable to be interfered with.

14. Accordingly, the impugned order stands set aside. The petitioner is granted leave to produce the additional documents before the Trial Court on the

next date fixed. Upon such production, the Trial Court shall receive the documents in evidence and proceed with the matter in accordance with law. The respondent shall be afforded full opportunity to meet the said documents.

15. The petition stands allowed and disposed of in the above terms.

JUDGE

Comparing Assistant