

GAHC040017652025

2026:GAU-AP:154



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

Case No. : IA(C)/260/2025

Tadar Mangku

Son of Late Tadar Tagam, permanent resident of Village Langht Loth, PO and PS Nyapin, Kurung Kumey District, Arunachal Pradesh 791118 and presently residing at Pachin Colony, PO and PS Naharlagun, Papumpare District, Arunachal Pradesh 791110

VERSUS

Tai Nikio

Son of Late Tai Kami, permanent resident of Village Peel, PO and PS Sangram, Kurung Kumey District, Arunachal Pradesh 791118 and presently residing at Karsingsa, Doimukh, Papum Pare District, Arunachal Pradesh 791123

Advocate for the Petitioner : R. Biswas; D. J. Kapil; K. Posi; D Tadar.

Advocate for the Respondent : Mr. P. K. Tiwari, Sr. Adv.; Rinchin Ledo Thungon,

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

Date on which judgment is reserved : 28.01.2026

Date of pronouncement of judgment : 17.02.2026

Whether the pronouncement is of the
Operative part of the judgment : N/A

Whether the full judgment has been
Pronounced : Yes

ORDER

Heard Mr. R. Biswas and Mr. D. J. Kapil, learned counsels for the applicant/election petitioner. Also heard Mr. P. K. Tiwari, learned Senior Counsel assisted by Mr. U. Pathak, learned counsel for the opposite party/respondent.

2. This is an application under Order VII Rule 14(3) read with Section 151 of the Code of Civil Procedure, 1908, by the applicant/election petitioner seeking leave to produce and introduce additional documents along with the Evidence-in-Affidavit of 4 (four) witnesses.

3. The applicant/election petitioner has challenged the election of the opposite party in the 19th Nyapin ST Assembly Constituency during the 11th Arunachal Pradesh Legislative Assembly Election 2024 on the ground of, *inter alia*, reception of void votes, booth capturing, concealment and false information in Form 26 etc., thereby, materially affecting the result of the election of the returned candidate i.e. the opposite party/respondent.

4. The election petition being EP No. 07 of 2024 was fixed for filing of evidence-in-affidavit of the witnesses by the applicant/election petitioner on 24.10.2025. It is the case of the applicant/election petitioner that, subsequent to the filing of the said election petition, the applicant/election petitioner has come across and obtained certain documents which are material and relevant for just adjudication of the case. It is contended that the material facts in connection with all the aforesaid additional documents have already been pleaded in the election petition. Therefore, the applicant/election petitioner

seeks to produce and introduce the following additional documents:

“...A. A Screenshot of the condolence message posted by the son Tai Logu in his Facebook page regarding death of his father Late Tai Nilo on 06.03.2022 which proves that a bogus vote has been cast against his Epic number at 16 Pagba polling station. The said Facebook Post came to the notice of the Election Petitioner after filing of the Election Petition. The said document is marked as Exhibit-PW-1/17 in the Evidence-in-Affidavit of the PW 1.

B. A copy of the death certificate showing that Late Niagh Yadek had passed away on 11.07.2023 but bogus vote has been cast against his Epic number at 16 Pagba polling station. The copy of the said death certificate was handed over to the Election Petitioner after filing of the Election Petition. The said document is marked as Exhibit- PW-1/18 in the Evidence-in-Affidavit of the PW 1.

C. The videography of Pagba, Peel and Kambang Polling Station provided in a Pen Drive along with the Covering Letter dated 28.05.2025 and Certificates of the Data Entry Operator, Office of the District Election Officer, Kurung Kumey, Arunachal Pradesh. The videography has been handed over to the election petitioner in terms of Order dated 19.05.2025 passed in I.A. (C) No. 54/2025. The said document is marked as Exhibit- PW-1/20 in the Evidence-in-Affidavit of the PW 1.

D. The dairy of the Presiding Officer recording that the Returned Candidate was campaigning close to the polling station. This was provided to the Election Petitioner after passing of the Order dated 19.05.2025 in I.A. (C) No. 54/2025. The said document is marked as Exhibit- PW-1/21 in the Evidence-in-Affidavit of the PW 1.

E. A copy of the death certificate showing that Late Dekey Tania had passed away on 26.11.2023 but bogus vote has been cast against his Epic number at 30 Peel polling station. The copy of the said death certificate was handed over to the Election Petitioner after filing of the Election Petition. The said document is marked as Exhibit- PW-1/22 in the Evidence-in-Affidavit of the PW 1.

F. A photograph of the Memory Stone of Late Tai Kelley at Pachin Colony, Naharlagun shows that he had expired on 01.02.2022. However, bogus vote has been cast against his Epic number at 30 Peel polling station. The photograph was handed over to the Election Petitioner after filing of the Election Petition. The said document is marked as Exhibit- PW-1/23 in the Evidence-in-Affidavit of the PW 1.

G. A photograph of the Memory Stone of Late Tai Teli at Sangram Graveyard shows that he had expired on 12.03.2023. However, bogus vote has been cast against his Epic number at 30 Peel polling station. The photograph was handed over to the Election Petitioner after filing of the Election Petition. The said document is marked as Exhibit- PW-1/24 in the Evidence-in-Affidavit of the PW 1.

H. A certificate dated 08.09.2025 from the Head/ Gaon Bura of Rowa village which shows that 16 people whose bogus votes have been cast using their Epic numbers had died long before the conduct of the General Elections in 2024. The Election Petitioner

could obtain the said certificate after filing of the election petition. The said document is marked as Exhibit- PW-1/25 in the Evidence-in-Affidavit of the PW 1.

I. A letter dated 01.05.2024 under No. KKD/ELN/PB-01/2024 issued by the Nodal Officer (PB) for District Election Officer, Kurung Kumey to the Chief Election Officer stating that 283 numbers of postal votes have been received from other districts. The Election Petitioner could obtain the said letter only after filing of the Election Petition. The said document is marked as Exhibit- PW-1/30 in the Evidence-in-Affidavit of the PW 1.

J. Copy of the RTI application filed by Sri Tader Tabo inquiring regarding NOC for arms transfer issued by the Officer-In Charge of the Sangram Police Station and the Reply dated 15.04.2025 in respect of the said RTI application filed by Sri Tader Tabo. Since, these documents were issued at dates later than that of filing of the election petition, the election petitioner is producing them now before this Hon'ble Tribunal. The said RTI application is marked as Exhibit- PW-1/34 and the Reply dated 15.04.2025 is marked as Exhibit- PW-1/35 in the Evidence-in-Affidavit of the PW 1.

K. Copy of the RTI application filed by Sri Tader Tabo to the Additional Deputy Commissioner, Nyapin inquiring regarding details of gun license issued and the total number of gun transfer between 31.01.2024 to 31.05.2024 and the Reply dated 10.04.2025 in respect of the said RTI application filed by Sri Tader Tabo. Since, these documents were issued at dates later than that of filing of the election petition, the election petitioner is producing them now before this Hon'ble Tribunal. The said RTI application is marked as Exhibit- PW-1/36 and the Reply dated 15.04.2025 is marked as Exhibit- PW-1/37 in the Evidence-in-Affidavit of the PW 1.

L. A photograph of the Memory Stone of Late Tai Tania at Pagba Village shows that she had expired on 14.01.2018. However, bogus vote has been cast against her Epic number at Pagba polling station. The photograph was handed over to the Election Petitioner by Sri Tai Radey after filing of the Election Petition. The said document is marked as Exhibit- PW - 2/1 in the Evidence-in-Affidavit of the PW 2.

M. A photograph of the Memory Stone of Late Tai Yachak at Peel Village shows that he had expired on 24.12.2018. However, bogus vote has been cast against his Epic number at Peel polling station. The photograph was handed over to the Election Petitioner by Sri Tai Radey after filing of the Election Petition. The said document is marked as Exhibit- PW - 2/2 in the Evidence-in-Affidavit of the PW 2.

N. A photograph of the Memory Stone of Late Tai Nilo at Pagba Village shows that he had expired on 06.03.2002. However, bogus vote has been cast against his Epic number at Pagba polling station. The photograph was handed over to the Election Petitioner by Sri Niagh Kamin after filing of the Election Petition. The said document is marked as Exhibit- PW - 3/1 in the Evidence-in-Affidavit of the PW 3.

O. A photograph of the Memory Stone of Late Niagh Yadek at Pagba Village shows that he had expired on 11.07.2023. However, bogus vote has been cast against his Epic number at Pagba polling station. The photograph was handed over to the

Election Petitioner by Sri Niagh Kamin after filing of the Election Petition. The said document is marked as Exhibit- PW-3/2 in the Evidence-in-Affidavit of the PW 3.

P. A photograph of the Memory Stone of Late Bamang Roi at Rowa Village shows that she had expired on 25.12.2018. However, bogus vote has been cast against her Epic number at Rowa polling station. The photograph was handed over to the Election Petitioner by Sri Bamang Tarak after filing of the Election Petition. The said document is marked as Exhibit- PW-4/1 in the Evidence-in-Affidavit of the PW 4.

Q. A photograph of the Memory Stone of Late Bamang Taji at Rowa Village shows that he had expired before voting. However, bogus vote has been cast against his Epic number at Rowa polling station. The photograph was handed over to the Election Petitioner by Sri Bamang Tarak after filing of the Election Petition. The said document is marked as Exhibit- PW-4/2 in the Evidence-in-Affidavit of the PW 4.

R. A photograph of the Memory Stone of Late Bamang Yape at Rowa Village shows that he had expired on 25.08.2022. However, bogus vote has been cast against his Epic number at Rowa polling station. The photograph was handed over to the Election Petitioner by Sri Bamang Tarak after filing of the Election Petition. The said document is marked as Exhibit- PW-4/3 in the Evidence-in-Affidavit of the PW 4.

S. A photograph of the Memory Stone of Late Bamang Chapo at Rowa Village shows that he had expired on 09.08.1990. However, bogus vote has been cast against his Epic number at Rowa polling station. The photograph was handed over to the Election Petitioner by Sri Bamang Tarak after filing of the Election Petition. The said document is marked as Exhibit- PW-4/4 in the Evidence-in-Affidavit of the PW 4.

5. Mr. R. Biswas, learned counsel, submits that a conjoint reading of Order VII Rule 14 CPC makes it clear that documents in the possession or power of the plaintiff on which reliance is placed are required to be filed along with the plaint and entered in the list of documents under Rule 14(1). Where a document is not in the possession or power of the plaintiff at the time of filing the plaint, the plaintiff is required to disclose, wherever possible, the person in whose possession or power such document lies, as provided under Rule 14(2). Further, if a document could not be produced at the time of filing the plaint, whether due to non-existence of the document at that time or subsequent discovery, the plaintiff is not barred from relying upon it, provided that the material and foundational facts have already been pleaded in the plaint. Order VII Rule 14(3) Of CPC is the statutorily recognized mechanism for seeking permission of the

Court to place additional documents on record, provided the material facts relating thereto are already pleaded and no prejudice is caused to the opposite party.

6. Mr. R. Biswas, learned counsel submits that this Court, vide judgment dated 21.03.2025 passed in I.A. (C) No. 182 of 2024, has held that the pleadings in the Election Petition disclose allegations relating to inclusion of dead, non-existent and bogus voters in the electoral rolls of 16-Pagba, 29-Kambang, 30-Peel and 24-Rowa Polling Stations of 19th Nyapin (ST) Assembly Constituency; booth capturing at the said polling stations with the consent of the respondent or his election agent and corrupt practice, non-disclosure of assets in Form-26 amounting to undue influence and corrupt practice under the Act.

7. Mr. R. Biswas, learned counsel, submits that the aforesaid documents at Serial Nos. A to S could not be produced earlier despite the election petitioner's due diligence and *bona fide* efforts. Some of the said documents were neither in the possession nor within the knowledge of the election petitioner at the time of filing of the Election Petition, while other documents were not in existence on that date. All such documents were either obtained, issued, or delivered to the election petitioner subsequent to the filing of the Election Petition and are therefore being sought to be placed on record with the leave of this Court.

8. Mr. Biswas, learned counsel submits that the objection raised by the respondent pertains to issues such as the competency of the Election Petitioner to prove the Facebook post, the absence of examination of the author of the Facebook page, the admissibility of screenshots of social media posts, the non-disclosure of the date of issuance or receipt of death certificates, devices through which photographs were taken, etc. squarely relate to the relevancy,

mode of proof and admissibility of the documents and not to their production on record. Such objections are matters for consideration at the stage of evidence, either at the time of cross examination of the witnesses or at the stage of final hearing, when the evidentiary value, authenticity and admissibility of the documents can be adjudicated upon. The respondent will have ample and full opportunity to test the veracity, source and admissibility of each of the said documents during cross-examination of the election petitioner's witnesses. He submits that at the present stage, while considering an application under Order VII Rule 14(3) CPC, this Court is only required to examine whether the documents sought to be produced are relevant to the pleaded issues and whether sufficient cause has been shown for their non-production earlier. The objections raised by the respondent do not go to the maintainability of the application, but seek a premature adjudication on evidentiary objections, which is impermissible at this stage.

9. In support of his submissions, Mr. R. Biswas, learned counsel has relied on the following judgments:

(i). **Virender Nath Gautam vs. Satpal Singh and Ors.** reported in **(2007) 3 SCC 617.**

(ii). **Sugandhi (dead) by legal representatives and Anr. Vs. P. Rajkumar represented by his Power Agent Imam Oli,** reported in **(2020) 10 SCC 706.**

(iii). **Dr. Bidhan Ch. Baruah vs. M/s G. L. Publications Ltd. & Ors.** passed by the Division Bench of this Court in **RFA No. 94 of 2006.**

10. Objecting to the application, Mr. Tiwari, learned Senior Counsel for the opposite party/respondent, has referred to the following relevant dates. On

20.03.2024, the notification for election was issued. On 02.06.2024, the result of the election was declared. On 16.07.2024, the Election Petition was filed. On 11.06.2025, the original documents were filed by the contesting parties under Order XIII Rule 1 of the CPC, while the election petitioner filed only one document, namely the RTI reply dated 08.06.2024 issued by the SIC (Vig.), Government of Arunachal Pradesh. On 23.10.2025, an interlocutory application being I.A. (C) No. 261/2025 under Order XVI Rule 6 of the CPC was filed by the election petitioner for issue of summons for production of documents, which was allowed by the Court by order dated 14.11.2025. On the same day, present interlocutory application was filed by the election petitioner for production of additional documents. On 24.10.2025, the election petitioner filed the evidence-in-affidavit of PW-1 to PW-9.

11. Mr. Tiwari, learned Senior Counsel, submits that a plain reading of Order VII Rule 14(3) makes it clear that a document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit. The law is well settled that before leave of the Court can be granted for receiving documents in evidence at a belated stage, the party seeking to produce the documents must satisfy the Court that the said documents were earlier not within the party's knowledge or could not be produced at the appropriate time despite due diligence. The Courts have also held that the plaintiff cannot, by way of an application under Order VII Rule 14(3) of the CPC, be permitted to fill the lacunae in pleadings and evidence led by him. It is further held that the provisions of Order VII Rule 14(3) do not permit liberal interpretation and that exceptional circumstances must be

demonstrated by the plaintiff to bring any additional documents on record which were not filed along with the plaint.

12. Mr. Tiwari, learned Senior Counsel, submits that the election petitioner seeks to introduce an additional document at Serial No. 'A' of the interlocutory application, which is a screenshot of the condolence message posted on the Facebook page of Shri Tai Logu regarding the death of his father, late Tai Nilo, on 06.03.2022. The post is dated 12.03.2022, which is more than 2 (two) years prior to the filing of the election petition. It is evident that when the election petition was filed, the post was very much in existence. Even otherwise, prior to the filing of the election petition, the election petitioner had sufficient time to procure evidence of the death of Tai Nilo from his son, Tai Logu. The failure of the election petitioner to do so demonstrates a lack of due diligence on his part, which constitutes a good and sufficient ground to deny leave to the election petitioner to introduce the said additional evidence at this belated stage.

13. Mr. Tiwari, learned Senior Counsel, submits that an additional document at Serial No. 'B' of the application, is a copy of the Death Certificate of late Niagh Yadek who died on 11.07.2023. However, the Death Certificate was belatedly applied for, as evident from the date of registration indicated therein, i.e. 10.09.2025, and it was issued under the signature of the issuing authority on 11.09.2025. In view of the fact that I.A. (C) No. 261/2025 was filed on 23.10.2025, it is evident that this document was belatedly obtained solely for the purpose of its introduction as evidence at this stage.

14. Mr. Tiwari, learned Senior Counsel, submits that the documents at Serial Nos. 'C' and 'D' is not being objected to, as the same were procured by the election petitioner in terms of the order of this Court dated 19.05.2025 passed in I.A. (C) No. 54/2025.

15. Mr. Tiwari, learned Senior Counsel, submits that an additional document at Serial No. 'E' of the application, is a copy of the Death Certificate of late Dekey Tania who died on 26.11.2023. The Death Certificate was applied for on 08.12.2023, as evident from the date of registration indicated therein, and was issued on the same day, i.e. 08.12.2023. Since the election petition was filed on 16.07.2024, the said Death Certificate was very much in existence at the relevant time, but the election petitioner made no effort to collect the same, despite having full knowledge of the death of Dekey Tania, as evident from his pleadings.

16. Mr. Tiwari, learned Senior Counsel, submits that an additional document at Serial No. 'F' of the application, is a photograph of the headstone showing the date of death of Tai Kaley, i.e. Tai Kelley, as 01.02.2022. The copy of the photograph shows that it was taken on 28.04.2025. However, if that is treated as the date of the photograph, it is relevant to note that all the photographs of such headstones or grave stones are uniformly dated 28.04.2025 with the same timing. Hence, it is not clear whether 28.04.2025 is the date of the particular photograph or of all the photographs of each of the additional evidence of headstone sought to be introduced. Moreover, the certificate attached to the document bears the same time stamp of 28.04.2025, but the certificate was issued on 27.09.2025, i.e. nearly 5 (five) months after the time stamp. Be that as it may, it is safe to presume that the photograph of the headstone was taken primarily for the purpose of using it as evidence in the present case. There is no indication as to when the headstone was made. If the headstone was made in the year 2022, this evidence was very much available when the election petition was filed, and if the election petitioner had exercised due diligence, he could have procured the photograph prior to filing of the election petition. The

election petitioner has stated in his evidence that he has personal knowledge of the death of Tai Kaley, sic Tai Kelley, as the deceased was his relative and he attended the funeral. If that be so, the election petitioner did not plead these facts in the election petition. In view of these pleadings, there are reasons to believe that the election petitioner was aware of the existence of the headstone, but despite that, no effort was made to bring this evidence while filing the election petition.

17. Mr. Tiwari, learned Senior Counsel, submits that an additional document at Serial No. 'G' of the application, is a photograph of the headstone showing the date of death of Tai Teli. The photograph is not legible, and as such, it is not possible to ascertain the date of death of Tai Teli. The photograph was taken on 28.04.2025, from which it is evident that it was taken solely for the purpose of using it as evidence in this case.

18. Mr. Tiwari, learned Senior Counsel, submits that an additional document at Serial No. 'H' of the application, is a Certificate dated 08.09.2025 from the Head Gaon Bura of Rowa Village to the effect that 16 persons, whose bogus votes were allegedly cast using their EPIC numbers, had died long before the conduct of the General Elections in 2024. The Certificate bears only a thumb impression of the Head Gaon Bura, Bameng Taji, which indicates that the said Gaon Bura is illiterate. If that be so, the Gaon Bura himself would be unable to read the Certificate. Hence, there are reasons to believe that the Certificate was manufactured solely for the purpose of introduction as evidence in the present case. The document is highly doubtful in nature and its origin is open to question. Curiously, the Certificate also bears a photographic mark dated 28.04.2025. If the Certificate is dated 08.09.2025, then how it could bear a photographic print dated 28.04.2025. There are therefore reasons to believe

that this document is doctored and manufactured.

19. Mr. Tiwari, learned Senior Counsel, submits that the introduction of documents marked as 'I', 'J' and 'K' by the election petitioner in his interlocutory application is not being objected to because of the nature of the documents in the facts and circumstances of the case, subject to proving these documents in accordance with law.

20. Mr. Tiwari, learned Senior Counsel, submits that additional documents marked as 'L' and 'M' by way of evidence-on-affidavit of PW-2, namely, Tai Radey. Document 'L' is a photograph of the memory stone of late Tai Tania at Pagba Village. However, the name of this voter does not appear in the list of dead voters of 16-Pagba Polling Station and the pleadings in the election petition do not support this evidence. There is no pleading in the election petition that late Tai Tania was a voter from Pagba Village or that, even though he was dead, a vote in his name was cast in the election. Hence, introduction of this evidence is beyond the scope of the mandate of Order VII Rule 14 of the CPC. Further, the date of death of Tai Tania as shown on the headstone is not very clear but appears to be 14.01.2018. If this is correct, there is no reason why appropriate pleadings to this effect could not have been made in the election petition, or why the photograph of the headstone could not have been enclosed with the election petition.

21. Mr. Tiwari, learned Senior Counsel, submits that document 'M' is a photograph of the memory stone of late Tai Yachak at Peel Village, on which the date of death is mentioned as 24.12.2018. There is no reason why appropriate pleadings to this effect could not have been made in the election petition, or why the photograph of the memory stone could not have been enclosed with the election petition.

22. Mr. Tiwari, learned Senior Counsel, submits that additional documents marked as 'N' and 'O' by way of evidence-on-affidavit of PW-3, namely, Niagh Kaming. Document 'N' is a photograph of the memory stone of late Tai Nilo at Pagba Village. This deceased is the same as in document 'A' sought to be introduced by PW-1. While document 'A' is a screenshot of a Facebook post made by Shri Tai Logu, son of late Tai Nilo, on 06.03.2022, document 'N' is a photograph of the memory stone of late Tai Nilo. The date of death of Tai Nilo is not visible in the photograph, which was taken on 26.09.2025 from a mobile phone by PW-3. There is no pleading as to why this photograph could not have been enclosed with the election petition, or why appropriate pleadings in this regard could not have been made in the election petition by PW-1 (election petitioner), given that he has claimed personal knowledge of the death of Tai Nilo. Further, if the memory stone was in existence when the election petition was filed, the photograph could have been easily taken and enclosed with the election petition, but this was not done.

23. Mr. Tiwari, learned Senior Counsel, submits that the document 'O' is a photograph of the memory stone of late Niagh Yadek at Pagba Village. The date of death on the memory stone is not visible and the date on which the photograph was taken has also not been mentioned. The evidence is not supported by adequate pleadings or relevant material. There is no explanation as to why the photograph of this memory stone could not have been enclosed with the election petition.

24. Mr. Tiwari, learned Senior Counsel, submits that additional documents marked as 'P', 'Q', 'R' and 'S' by way of evidence-on-affidavit of PW-4, namely, Bamang Tarak. The document at Serial No. 'P' is a photograph of the memory stone of late Bamang Rui sic Roi at Rowa Village, indicating that she expired on

25.12.2018. According to PW-4, her name in the electoral roll is misspelled as Bamang Rui. There is no mention of the date on which the photograph was taken. There is no reason why the photograph could not have been taken prior to the filing of the election petition and enclosed with it. Further, the evidence by its very nature is highly doubtful and even the identity of the deceased is open to question.

25. Mr. Tiwari, learned Senior Counsel, submits that the document at Serial No. 'Q' is a photograph of the memory stone of late Bamang Taji. The date of death of the deceased is neither pleaded nor visible in the photograph, and there is no indication as to when the photograph was taken. There is no clarity regarding the date of death, and the evidence is highly doubtful and lacks credence.

26. Mr. Tiwari, learned Senior Counsel, submits that document 'R' is a photograph of the memory stone of Bamang Yape, who, according to PW-4, died on 25.08.2022. The photograph of the memory stone was taken on 27.09.2025. There is no adequate pleading as to why this evidence could not have been procured earlier and enclosed with the election petition.

27. Mr. Tiwari, learned Senior Counsel, submits that document 'S' is a photograph of the memory stone of late Bamang Chapo, who, according to PW-4, died on 09.08.1990, whereas the photograph of the memory stone shows the date of death as 28.12.2022. There is clearly a contradiction between the date of death pleaded in the affidavit and the date shown on the memory stone. This raises serious doubts as to whether the Bamang Chapo of the memory stone is the same person whose death has been pleaded. On this ground alone, the introduction of this evidence should not be allowed by the Court. There is also no adequate explanation as to why this evidence, if genuine, could not have been enclosed with the election petition and properly pleaded therein.

28. Mr. Tiwari, learned Senior Counsel, submits that in view of the foregoing submissions and the objections recorded hereinabove, the election petitioner has failed to demonstrate the exercise of due diligence as required under Order VII Rule 14(3) of the CPC in respect of the documents at Serial Nos. 'A', 'B', 'E', 'F', 'G', 'H', 'L', 'M', 'N', 'O', 'P', 'Q', 'R' and 'S'. He submits that several of these documents were either already in existence or could have been procured with reasonable diligence at the time of filing the election petition, while others are either unsupported by pleadings or raise serious doubts as to their origin and authenticity. Accordingly, it is submitted that no exceptional circumstances exist to warrant the grant of leave to produce these documents at this belated stage.

29. In support of his submissions, Mr. Tiwari, learned Senior Counsel, has placed reliance on the following judgments:

(i). **Gold Rock World Trade Ltd. Vs. Veejay Lakshmi Engineering Works Ltd.**, reported in **2007 0 Supreme(Del) 1744.**

(ii). **Bhaiyalal & Ors. Vs. Ramswaroop & Ors.**, reported in **2013 SCC OnLine MP 3821.**

(iii). **Bagai Construction vs. Gupta Building Material Store**, reported in **(2013) 14 SCC 1.**

(iv). **Sugandhi (dead) by legal representatives and Anr. Vs. P. Rajkumar represented by his Power Agent Imam Oli**, reported in **(2020) 10 SCC 706.**

30. I have considered the submissions of the learned counsels for the parties and perused the pleadings in the election petition and the present application.

31. By the present application under Order VII Rule 14(3) of CPC the

applicant/election petitioner seeks leave of this Court to produce a total of 19 (nineteen) additional documents from Serial Nos. 'A' to 'S'. Out of these, applicant/election petitioner as PW-1 in his evidence-in-affidavit seeks to produce 11 (eleven) additional documents at Serial Nos. 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H', 'I', 'J' and 'K'. PW-2, by way of his evidence-in-affidavit, seeks to produce 2 (two) additional documents at Serial Nos. 'L' and 'M'. The two additional documents at Serial Nos. 'N' and 'O' are sought to be produced by PW-3 through his evidence-in-affidavit and PW-4 seeks to produce 4 (four) additional documents at Serial Nos. 'P', 'Q', 'R' and 'S'.

32. Order VII Rule 14 of the CPC, 1908, lays down as under:

“...14. Production of document on which plaintiff sues or relies.—(1) Where a plaintiff sues upon a document or relies upon document in his possession or power in support of his claim, he shall enter such documents in a list, and shall produce it in Court when the plaint is presented by him and shall, at the same time deliver the document and a copy thereof, to be filed with the plaint.

(2) Where any such document is not in the possession or power of the plaintiff, he shall, wherever possible, state in whose possession or power it is.

(3) A document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

(4) Nothing in this rule shall apply to document produced for the cross-examination of the plaintiffs witnesses, or handed over to a witness merely to refresh his memory.”

33. Reading of Order VII Rule 14 of the CPC makes it clear that where the plaintiff sues upon a document or relies on one in his possession or power, he must produce it in Court along with the plaint, delivering both the original and a copy for filing. If any such document is not in his possession or power, he must, wherever possible, disclose in whose possession it is. Any document which the plaintiff should have produced or listed when filing the plaint, but did not, cannot be received in evidence on his behalf at the hearing, without the leave of

the Court. However, these requirements do not extend to documents produced solely for cross-examining witnesses or handed to a witness merely to refresh his memory.

34. The law is well settled that before leave of the Court can be granted for receiving documents in evidence, the party seeking to produce the documents must satisfy the Court that the said documents were earlier not within the party's knowledge or could not be produced at the appropriate time despite due diligence. It is also settled that the plaintiff cannot, by way of an application under Order VII Rule 14(3) of the CPC, be permitted to fill the lacunae in pleadings and evidence led by him. However, the provision is the statutorily recognized mechanism for seeking leave of the Court to place additional documents on record, provided said documents were earlier not within the party's knowledge or could not be produced at the appropriate time despite due diligence and that the material facts relating thereto are already pleaded and no prejudice is caused to the opposite party.

35. This Court, by judgment dated 21.03.2025 passed in I.A. (C) No. 182/2024, has held that the pleadings in the Election Petition disclose allegations relating to inclusion of dead, non-existent and bogus voters in the electoral rolls of 16-Pagba, 29-Kambang, 30-Peel and 24-Rowa Polling Stations of 19th Nyapin (ST) Assembly Constituency; booth capturing at the said polling stations with the consent of the respondent or his election agent and corrupt practice, non-disclosure of assets in Form-26 amounting to undue influence and corrupt practice.

36. On perusal of additional documents 'L' and 'M', in respect of evidence-on-affidavit of PW-2, Tai Radey, it shows that document 'L' is a photograph of the

memory stone of late Tai Tania at Pagba Village. However, the name of this voter does not appear in the list of dead voters of 16–Pagba Polling Station and the pleadings in the election petition do not support this evidence. There is no pleading in the election petition that late Tai Tania was a voter from Pagba Village or that, even though he was dead, a vote in his name was cast in the election and the date of death of Tai Tania as shown on the headstone is not very clear but appears to be 14.01.2018. Document 'M' is a photograph of the memory stone of late Tai Yachak at Peel Village, on which the date of death is mentioned as 24.12.2018. There is no specific pleading to this effect and same could not be proved at the relevant time.

37. Document 'N' is a photograph of the memory stone of late Tai Nilo at Pagba Village. This deceased is the same as in document 'A' sought to be introduced by PW-1. While document 'A' is a screenshot of a Facebook post made by Shri Tai Logu, son of late Tai Nilo, on 06.03.2022, document 'N' is a photograph of the memory stone of late Tai Nilo. Document 'O' is a photograph of the memory stone of late Niagh Yadek at Pagba Village. The date of death on the memory stone is not visible._

38. Document 'P' is a photograph of the memory stone of late Bamang Rui sic Roi at Rowa Village, indicating that she expired on 25.12.2018. According to PW-4, her name in the electoral roll is misspelled as Bamang Rui. There is no mention of the date on which the photograph was taken. Document 'Q' is a photograph of the memory stone of late Bamang Taji. The date of death of the deceased is neither pleaded nor visible in the photograph, and there is no indication as to when the photograph was taken. Document 'R' is a photograph of the memory stone of Bamang Yape, who, according to PW-4, died on 25.08.2022. The photograph of the memory stone was taken on 27.09.2025.

39. Document 'S' is a photograph of the memory stone of late Bamang Chapo, who, according to PW-4, died on 09.08.1990, whereas the photograph of the memory stone shows the date of death as 28.12.2022. There is clearly a contradiction between the date of death pleaded in the affidavit and the date shown on the memory stone. Upon consideration of the above documents, I find that there is no specific pleading in respect of above documents as to why this evidence could not have been procured earlier and placed with the election petition. However, the applicant/election petitioner could demonstrate that the some of the additional documents sought to be brought on record were earlier not within the party's knowledge or could not be produced at the appropriate time despite due diligence.

40. This Court finds force in the submission of learned counsel for the applicant/election petitioner that some of the objection raised by the respondent pertains to issues such as the competency of the Election Petitioner to prove the Facebook post, the absence of examination of the author of the Facebook page, the admissibility of screenshots of social media posts, would relate to the relevancy, mode of proof and admissibility of the documents and not to their production on record. Such objections are matters for consideration at the stage of evidence, either at the time of cross examination of the witnesses or at the stage of final hearing, when the evidentiary value, authenticity and admissibility of the documents can be determined. The respondent will have full opportunity to test the veracity, source and admissibility of each of the said documents during cross-examination of the election petitioner's witnesses.

41. Regard being had to the case laws relied upon by the learned counsel for the parties, on perusal of the case laws, I find only 3 (three) judgments relevant for the present application which need not elaborate discussion, however,

relevant paragraphs are reproduced herein under:

(i). The case of **Dr. Bidhan Ch. Baruah** (supra), where the Division Bench of this Court, has held as under:

"7. So, on a perusal of the provision of law as quoted above we are of the considered view that the document on which the plaintiff sought to rely in original in this case is not totally precluded to be placed before the Court even after the stage of the issues and documents. Rather the legislature made a provision to file documents at any stage, to meet the ends of justice. However, the document is to be filed or brought on record with the leave of the Court..."

12. It is a fact that, appellant/plaintiff should have filed all the documents at the stage of issues and documents. In case he failed to do so he could have brought the matter to the notice of the learned Court below immediately after framing of all issues and documents or at the stage of evidence..."

14. In our considered view the learned court is to render substantial justice. It is a settled principle of law that on mere technicality a court should not reject the plea otherwise legally substantial. A Court is duty bound to render substantial justice and not shut the door of justice merely on technicalities."

(ii). In the case of **Gold Rock World Trade Ltd.** (supra), the High Court of Delhi has held as under:

".....Consequently, before leave of the Court can be granted for receiving documents in evidence at a belated stage, the party seeking to produce the documents must satisfy the Court that the said documents were earlier not within the party's knowledge or could not be produced at the appropriate time in spite of due diligence. "

(iii). In the case of **Bhaiyalal** (supra), the Hon'ble Supreme Court has held as under:

"...4. It is further evident that when the application under Order 7 Rule 14 of CPC was filed, the suit had reached the stage of cross-examination of plaintiff. The request was, thus, made during the progress of the trial, which falls within Clause (3) of Rule 14 of Order 7 of CPC, which provides that documents, which are not presented alongwith the plaint at the time of institution of the suit, shall not be allowed to be produced or entered in evidence without the leave of the Court. Thus, the provisions of Clause (3) of Rule 14 of Order 7 of CPC do not permit liberal interpretation. Thus, exceptional circumstances have to be demonstrated by the plaintiff during the progress of the suit to bring any additional documents on record, which have not been filed alongwith the

plaint.”

42. In view of the discussion made hereinabove, this Court grants leave to the applicant/election petitioner to produce the documents listed at Serial Nos. A, B, C, D, E, F, G, H, I, J and K as additional documents. However, leave to the applicant/election petitioner to produce the documents listed at Serial Nos. L, M, N, O, P, Q, R and S is hereby declined.

43. The interlocutory application stands disposed of.

JUDGE

Comparing Assistant