

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 5362/2026

Sabir Khan Son of Shri Munir Khan, aged about 42 Years,
Resident of 104, Near Jan Chetana Kendra, Tullapura, Kota
Junction, Kota.

-----Defendant No.2-Petitioner

Versus

1. Smt. Dhankanwar Daughter of Late Laxmi Narayan, Aged About 55 Years, Resident of Behind Bus Stand Sahakari, Ward No. 10, Mandana, District Kota.
2. Pradeep Son Shri Ram Chandra, Aged About 53 Years, Resident of 256-K, Bapu Colony, Kota at present resident of 151, Kailashpuri, Kota Junction, Kota.
3. Sub-Registrar and Dy. Tehsildar Mandana, Tehsil Ladpura, District Kota.
4. State of Rajasthan through Tehsildar, Tehsil Ladpura, District Kota.

-----Respondents

For Petitioner(s) : Mr. Satish Chandra Pachori with
Ms. Santosh Choudhary

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

01/05/2026

1. The present writ petition has been filed by the petitioner under Article 227 of the Constitution of India, at the behest of defendant No.2-petitioner, assailing the order dated 21.02.2026, passed by the learned Additional District Judge No.6, Kota in Civil Suit No.161/2019 titled as '*Smt. Dhankanwar vs. Pradeep & Ors.*', whereby the plaintiff's application dated 17.01.2026 for exhibiting the document has been allowed.

2. Brief facts giving rise to the present writ petition are that the plaintiff/respondent No.1-*Smt. Dhankanwar* filed a civil suit bearing No.161/2019 for cancellation of sale deed dated 19.11.2018, declaration and permanent injunction before the learned Trial Court. During the pendency of the suit, at the stage of cross-examination of plaintiff's evidence, the plaintiff filed an application for exhibiting certain documents on the ground that during the course of trial, some of the documents produced by the plaintiff could not be exhibited due to an unintentional omission and therefore sought permission for exhibiting the same.

3. The defendant/petitioner - *Sabir Khan*, filed reply to the application and opposed the same while contending that the application has been filed with an intention to fill up lacuna when the matter was fixed for cross-examination of plaintiff's evidence and accordingly, prayed for dismissal of the said application.

4. Learned Trial Court, after considering the submissions of the parties and while observing that the said document is already on record but due to *bona fide* error, the same was not marked as an exhibit earlier and permitting the said documents to be exhibited would assist the court in proper and effective adjudication of the case and exhibiting the said documents on record does not appear to cause any prejudice to the defendant/petitioner, allowed the said application vide order dated 21.02.2026.

5. Being aggrieved by which, the petitioner-defendant No.2 has preferred the present writ petition.

6. Learned counsel for the petitioner submits that the learned Court below committed serious illegality in allowing the application and permitting to mark/exhibit certain documents which were not

previously exhibited. He also submits that the plaintiff cannot fill up the lacuna by way of an application seeking leave to exhibit documents which were not initially exhibited. Therefore, prays that the impugned order dated 21.02.2026 may kindly be set aside.

7. Heard learned counsel for the petitioner and perused the material available on record.

8. From a bare perusal of the record, it is revealed that the present suit was filed by the plaintiff-respondent *Smt. Dhankanwar* for cancellation of sale deed dated 19.11.2018. In the said suit, though the documents sought to be exhibited is available on record but during the course of evidence, initially certain documents were exhibited, however due to *bona fide* inadvertence, some of the documents could not be exhibited. The principal document among them is the sale deed, the cancellation whereof has been sought by the plaintiff in the suit. The said *bona fide* mistake was discovered during the course of recording of the plaintiff's evidence and, therefore, a formal application for exhibiting the documents was filed. Accordingly, the learned Trial Court permitted the plaintiff to exhibit certain other documents which were not previously exhibited on account of *bona fide* mistake.

9. It is an undisputed fact that the plaintiff has filed a suit for cancellation of the sale deed dated 19.11.2018 and the matter is pending at the stage of plaintiff's evidence. Therefore, permitting the plaintiff to exhibit a few more documents during her cross-examination cannot be said to be perverse in the eyes of law.

10. Even otherwise, it is a trite principle of law that the rules of procedure are the handmaids of justice, and when procedural and substantive considerations are pitted against each other, substantial justice should prevail over technicalities. Accordingly, in order to do complete justice between the parties, the application for exhibiting document has been rightly allowed by the learned Trial Court.

11. In that view of the matter, this Court is of the considered opinion that the impugned order does not suffer from any jurisdictional error, perversity or legal infirmity so as to call for any interference under Article 227 of the Constitution of India.

12. Accordingly, the present writ petition fails and is hereby dismissed.

13. All other pending application(s), if any, stand disposed of.

(MANEESH SHARMA),J

SOURAV /9