

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CM(M) No. 93/2026
CM No. 3042/2026

Suraj Singh & Anr.

.....Petitioner(s)

Through: Mr. Karan Sharma, Advocate.

Vs

Balbinder Singh & Anr.

.....Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(15.05.2026)

1. Two petitioners herein are defendants in a civil suit preferred by the two respondents whereby a decree of permanent prohibitory injunction thereby restraining the petitioners from causing any type of interference with respect to the suit land comprising 3.17 kanals in khasra No. 1192 of village Garkhal, tehsil Akhnoor, district Jammu, has been solicited.

2. The institution of suit is of **05.07.2024** in which two petitioners appeared with their written statement filed. The written statement which the petitioners have placed on record in connection with the present writ petition does not bear verification part.

3. Be that as it may, the petitioners came forward with an application for placing on record unspecified documents and expected the trial court to take the same on record being relevant evidence to prove real controversy and deciding the issues.

4. The application *per se* does not spell out as to which report of which Revenue Officer, by reference to which petition and of

which of the two petitioners the same came to be generated and which is the mutation in terms of number and date of which mauza but the said two documents are said to have been accompanied the application filed on **30.12.2024**.

5. The application of the petitioners has come to suffer dismissal by virtue of an order dated **12.01.2026** with the reasoning that it is not a fit case for granting reliefs to the petitioners as defendants to place on record the documents.

6. When enquired from learned counsel for the petitioners as to what is the stage of the suit, it has come to be apprised that even the framing of the issues is yet to take place meaning thereby the stage for filing of the documents under Order 13 of the Code of Civil Procedure, 1908 (for short '**CPC**') is still open for the parties to avail.

7. The documents which are envisaged to be filed and produced in connection with a civil suit by parties to lis in terms of Order 13 of CPC are amenable to rejection only if these are irrelevant and inadmissible documents.

8. Order 6 Rule 1 of CPC defines pleading as a plaint or written statement and *per se* plaint or written statement would not be inclusive of the documents therewith.

9. Order 7 of CPC relates to the document/s which is/are being relied upon by reference to a plaint and to that extent requires a plaintiff/s to enter such document/s in a list and produce the same in a court at the time of presentation of plaint and also

delivering the document and a copy thereof to be filed with the plaintiff.

10. Any document missed by the plaintiff to be so entered in a list and produced along with the plaint cannot gain entry on the suit file without leave of the Court for the evidentiary purpose excepting the documents produced for cross-examination of the witnesses to be produced from the end of a plaintiff.

11. Likewise filing of a written statement in the context of documents is catered to by Order 8 Rule 1-A of CPC casting a duty upon a defendant to produce the documents upon which relief is claimed or relied upon by him.

12. A defendant is also supposed to enter a document being relied upon by reference to his defence in a list and be produced it in the Court at the time of presentation of the written statement with delivery of the document but upon missing said opportunity the defendants can claim entry of any such documents with the leave of the Court.

13. The issue which ought to have been addressed by the court below is as to whether the two documents accompanying the applications are the ones which could otherwise have gained entry by reference to Order 13 of CPC.

14. The trial court seems to have taken a view that since there is no reference made in the written statement by the petitioners about the factual importance of said two documents, as such, the

two documents do not relate themselves to the written statement and, therefore, are alien to the lis not to be entertained.

15. Though, this case has the potential of inviting this Court to address important questions of law in the context but still this is not the fit case where to come up with an exercise of this serious nature considering the fact that the application filed by the petitioners is so non-serious that it could not have engaged learned trial Judge to spare even two pages for dismissing it as the same should have been dismissed point blank by stating that the application is as blank as a blank paper with just a reference bearing no context as to which of the documents intended to be placed on record.

16. Petition is, thus, **dismissed**.

(RAHUL BHARTI)
JUDGE

JAMMU
15.05.2026
Shivalee

Whether the judgment is speaking: Yes/No
Whether the judgment is reportable: Yes/No