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2026:CGHC:44342

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1322 of 2026

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1 - Ram Upkar Tiwari S/o Shri Dinanath Tiwari Aged About 49 Years R/o Aadarsh Nagar, Camp-01, Supela, Bhilai, District - Durg Chhattisgarh

2 - Neelam Tiwari W/o Shri Ram Upkar Tiwari Aged About 35 Years R/o Aadarsh Nagar, Camp-01, Supela, Bhilai, District - Durg Chhattisgarh

... Petitioner(s)

versus

1 - Rajendra Agrawal S/o Shri Gopal Agrawal Aged About 47 Years R/o House No. 20, Ground Floor, Malviya Nagar, Durg Th. And District Durg Chhattisgarh

2 - Swati Agrawal D/o Shri Promod Agrawal Aged About 47 Years R/o House No. 20, Ground Floor, Malviya Nagar, Durg Th. And District Durg Chhattisgarh

3 - Johan S/o Late Sakharam Aged About 42 Years R/o House No. 288, Ward No. 14, Purani Basti, Kurud, Bhilai, District Durg Chhattisgarh

4 - Manharan S/o Late Sakharam R/o House No. 288, Ward No. 14, Purani Basti, Kurud, Bhilai, District Durg Chhattisgarh

5 - Manohar S/o Late Sakharam R/o House No. 288, Ward No. 14, Purani Basti, Kurud, Bhilai, District Durg Chhattisgarh

6 - Smt. Punni Bai W/o Bhudharu R/o House No. 288, Ward No. 14, Purani Basti, Kurud, Bhilai, District Durg Chhattisgarh

7 - Smt. Kumari Bai W/o Santram Yadav Bhilai-3, District Durg Chhattisgarh

8 - Smt. Malan Bai W/o Devsingh Yadav Gram Chicha Jalbandha, Tahsil And District - Durg Chhattisgarh

9 - Collector Of Stamp Sub-Registrar Office, Durg, District Durg Chhattisgarh

10 - State Of Chhattisgarh Through Collector, Durg, District Durg Chhattisgarh

... Respondent(s)

For Petitioner(s) : Mr. Neeraj Choubey, Advocate
For Respondent(s) : Mr. Manish Kashyap, P.L. for the State

(Hon'ble Shri Justice Ravindra Kumar Agrawal, J.)

Order on Board

13/10/2026

1. Heard.
2. Present is a writ petition filed by the petitioner under Article 227 of the Constitution of India against the impugned order dated 13.08.2026 passed by learned Second District Judge, Durg in Civil Suit No. A/71/2024, whereby the application filed by the plaintiffs under Order 7 Rule 14 of CPC was allowed and document filed by the plaintiffs has been taken on record.
3. Learned counsel for the petitioners would submit that the petitioners are the defendants No.3 and 4 before the learned trial Court, where the respondents No.1 and 2 are prosecuting a suit for declaration of title, permanent injunction, possession and also declaring the relinquishment deed dated 16.04.2024 as null and void and also declaring the sale deed dated 14.06.2024 as null and void. He would further submit that during recording the evidence of the plaintiffs and during their cross-examination, they filed an application under Order 7 Rule 14 of CPC alongwith certain documents to be filed in the case. The said document has been filed only to fulfill the lacuna which comes in his cross-examination by the defendants. Filing of the document after partly cross-examined by the plaintiffs would not be permissible as the

parties cannot be permitted to fulfill the lacuna during their examination and the plaintiffs should file the documents at its initial stage, particularly when all the documents are well within in his possession on the date of filing of the suit itself. The said documents are also inadmissible in evidence but the same has been taken on record despite raising objection by the defendants, therefore, the impugned order may be set aside and the application filed by the plaintiffs may be dismissed.

4. I have heard learned counsel for the petitioners and perused the material annexed with the petition.
5. It transpires from the documents annexed with the petition that on 14.07.2026, the plaintiffs have filed an application under Order 7 Rule 14(3) of CPC alongwith certain documents and they explained that due to their ignorance on the procedure and law, they could not made available the said documents to their counsel and the same could not be filed in the case. They also explained in their application that the cross-examination of the plaintiffs is continued and the defendant has every right to cross-examine the plaintiffs on these documents. The defendants have also filed the reply of the application on 14.07.2026 itself and denied the admission of such documents on the same ground that to fulfill the lacuna, the documents cannot be taken on record.
6. The Order 7 Rule 14(3) of the CPC provided that a document which was required to be produced in the Court at the time of presentation of plaint, 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 tendering of document on record and its admissibility and evidentiary value are distinct as mere tendering of documents on record does not amounts to its proof. Presently, the plaintiffs ought to be added certain documents on record in support of his case, though they have filed at the stage of their cross-examination. However, the learned trial Court permitted the said document to be taken on record subject to payment of cost of Rs. 1,000/-. The learned trial Court has observed in its order that if the documents are relevant for just decision of the case, it can be taken on record, which is rightly done in the present case.

7. The defendant is having every right to cross-examine the witness and raise the objection on admissibility and evidentiary value of the documents which has been filed by the plaintiffs in the case. From the order impugned, this Court do not find any perversity or jurisdictional error in allowing the application under Order 7 Rule 14(3) of CPC filed by the plaintiffs in the case.
8. The writ petition accordingly fails and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE