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HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 6341 of 2026

Janta Mahavidyalaya/Janta Madhyamik Vidyalaya

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Jagat Narayan Mishra, Krishna Dutt Awasthi
Counsel for Respondent(s)	: C.S.C.

Court No. - 5

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Jagat Narayan Mishra, learned counsel for the plaintiff-petitioner and Sri R.P. Singh, learned Standing Counsel, who appears for State-respondents.
2. In view of the order, which is being proposed to be passed today, notices are not being issued to the defendant-respondent nos. 2 to 6.
3. The counsel for the rival parties have made a joint statement that they do not propose to file any further affidavits thus with the consent of the parties, writ petition is being decided at the fresh stage.
4. The case of the plaintiff-petitioner is that the plaintiff-petitioner instituted an Original Suit No. 312 of 2010 (Janta Mahavidyalaya v. Smt. Premshri) before the court of Civil Judge Senior Division/ FTC, Auraiya seeking permanent injunction restraining the defendant-respondents therein not to cut the big trees standing inside the boundary wall and not to demolish the boundary wall and encroach the land of the college. On the presentation of the said suit, notices were issued, the defendants putting their appearance and thereafter written statement came to be filed on 10.09.2010. The plaintiff-petitioner thereafter preferred an application on 24.10.2024 being paper no. 205C and supported by an affidavit being paper no. 206C, seeking amendment in the pleadings. The Civil Judge (Senior Division), FTC, Auraiya rejected the amendment application on 07.02.2025 aggrieved whereof the plaintiff-petitioner preferred a revision no. 2 of 2025 before the District Judge, Auraiya and the said revision was decided by the Additional District Judge-3, Auraiya vide judgement and order dated 19.07.2025

upholding the order of the trial court dated 07.02.2025. Thereafter the plaintiff-petitioner preferred a petition under Article 227 No. 9687 of 2025 questioning the order dated 07.02.2025 of the trial court and the judgment of the appellate court dated 19.07.2025 which is pending before this Court thereafter now the plaintiff-petitioner preferred an application under Order VII Rule 14 of the CPC for the production of documents on which the plaintiff-petitioner sues and relies being paper exhibit-213Ga. The said application came to be rejected by the Civil Judge (Senior Division), FTC, Auraiya, on 16.03.2026 against which a revision came to be preferred which was rejected on 30.03.2026 being not maintainable.

5. Questioning the same, the writ petitioner has been filed the present writ petition.

6. Learned counsel for the plaintiff-petitioner has sought to argue that the order passed by the trial court as well as revisional court cannot be sustained for the simple reason that the documents which the plaintiff-petitioner sought to rely upon and sought production while invoking the provisions contained under Order VII Rule 14 of the CPC were of paramount importance as they would not have caused any prejudice in case the application was allowed. While inviting attention page 56 of the paper book, it is contended that the said documents go to the root of the matter which would be necessary for adjudication of the case and further the said documents were not also in the possession of the plaintiff-petitioner. He further submits that the Court has taken a cursory view that too not on the basis of the legal sound principles. He further submits that already there is a serious dispute between the parties and in case the said documents would have been directed to produce then substantial justice would have done.

7. Learned Standing Counsel on the other hand submits that a dilatory tactics has been adopted as the suit is of the year-2010 and as per the recital contained in the order dated 16.03.2026, the stage of final arguments is since the year 2023.

8. I have heard learned counsel for the parties and gone through the records carefully.

9. Facts are not in issue. It is not in issue that a original suit no. 312 of 2010 for permanent injunction came to be instituted by the plaintiff-petitioner in the said suit, an amendment application came to be preferred which was

rejected on 07.02.2025 by the trial court and the revisional court also rejected the revision thereafter proceedings under Article 227 has been instituted which is pending there is no stay order. Further the Court finds that an application being 185ga to file for productions of certain documents on record which was accepted on 01.05.2024 at the cost of Rs. 700/-.

10. The order impugned dated 16.03.2026 reads as under:

"Suit called out. Parties present through learned Advocate. The suit is fixed today for her/disp. of application 213ga.

Heard and perused.

The petitioner has filed the application 213ga along with a list of documents, requesting the court to take the said/mentioned documents on record.

The defendant made an objection that the petitioner is trying to delay the timely disposal of this suit.

Perusal of the file shows that this suit is pending for final arguments since the year 2023. During this period of almost three years i.e. from fixing the suit for final arguments till today, the petitioner has moved multiple applications. The petitioner had moved application 180.. for amendment of petition which was accepted by the court on 11.10.2023 post that the petitioner moved an application 185ga to file certain documents on record. The court had accepted the said application on 01.05.2024 at the cost of Rs. 700/- After that the petitioner moved application 205ka to make certain amendments in the plaint. The court rejected the said application on 07.02.2025 and fixed the suit for final arguments. The petitioner then moved application 209ga to adju. The proceeding of this suit till the disposal of a writ under article 227 No. 9687 of 2025, filed by the petitioner before the Hon'ble High Court of Allahabad. The court had dismissed the application on 05.02.2026.

Now the petitioner vide application 213ga has again requested the court to take certain documents on record. The petitioner has nowhere mentioned and explained the sufficient cause of and as to how the said documents are relevant for the final and effective disposal of this suit. The petitioner had earlier also filed certain documents vide application 185ga. The petitioner failed to explain as to why he did not file the said documents on a previous occasion.

Looking at the acts of the petitioner fresh the fixation of this suit for final arguments. It is clearly evident that the petitioner is simply trying to delay

the timely disposal of this suit. Therefore keeping in mind, the above facts, circumstances and the demeanor of the petitioner, the application 213ga is dismissed.

This suit is of oldest category and falling of the targeted suits of action plan. The parties are directed to ensure their presence on each date fixed. No unnecessary adjournment shall be entertained. In case of absence of either party, the suit shall be proceeded accordingly.

Put up on 25.03.2026 for final arguments."

11. Apart from the same, the Court finds that the application so preferred under Order VII Rule 14 of the CPC which was marked as application 213Ga reads as under:

"प्रार्थना पत्र वास्ते इस प्रार्थना पत्र के साथ संलग्न सूची से दाखिल कागजात अंगीकृत कर रिकार्ड पर लिये जाने के सम्बन्ध में:-

श्रीमान् जी,

सेवा में सविनय निवेदन है कि प्रार्थी उपरोक्त वाद में वादी का उपप्रबन्धक एवं पैरोकार मुकदमा है और उपरोक्त वाद अन्तिम बहस में नियत है। वादी के उपप्रबन्धक द्वारा इस प्रार्थना पत्र के साथ संलग्न सूची से कुछ कागजात दाखिल किये जा रहे हैं कि जो कागजात वाद उपरोक्त के आवश्यक एवं महत्वपूर्ण दस्तावेज हैं जिससे मान्य न्यायालय को न्याय निर्णयन में सहायता प्राप्त होगी। माननीय न्यायालय द्वारा उपरोक्त कागजात अंगीकृत कर रिकार्ड पर लिये जाने के उपरान्त वादी द्वारा उपरोक्त कागजात के सम्बन्ध में कोई अतिरिक्त साक्ष्य प्रस्तुत नहीं करना है।

अतः श्रीमान् जी से प्रार्थना है कि इस प्रार्थना पत्र के साथ संलग्न सूची से दाखिल कागजात को अंगीकृत कर रिकार्ड पर लिये जाने का आदेश पारित करने की कृपा करें।"

12. Further Order VII Rule 14 of the CPC reads 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."

13. As a matter of fact, there is nothing on record to substantiate that the said document which was sought to be produced at any relevance in the matter as the entire application is lacking the said contents. Further it is also not recited as to whose possession, the said document is there and the court below has recorded a specific finding in coming to the conclusion that a dilatory tactics has been adopted in this regard, particularly, the suit is of the year 2010 and the opportunity to file an amendment application, it is availed and the said amendment was rejected and there is no interim order operating therein.

14. Accordingly, no good ground is made out for interference, the petition stands **dismissed**.

May 6, 2026
Ashu

(Vikas Budhwar,J.)