

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.853 of 2017**

1. Smt. Shanti Satpathi W/o Subhash Satpathi, aged about 57 years,
2. Subhash Satpathi, S/o Shri Mitrabhan Satpathi, aged about 63 years,

Both R/o Village – Chitwahi, Police Station – Tamnar, Tahsil Gharghoda, District Raigarh (CG)

---- Petitioners**Versus**

1. Pt. Shaukilal Sharma S/o Krupasindhu Sharma, aged about 65 years,
2. Mahesh Prasad Sharma S/o Krupasindhu Sharma, aged 70 years;
3. Shankarlal Sharma S/o Krupasindhu Sharma, aged about 60 years;
4. Naveen Kumar Sharma S/o Krupasindhu Sharma, aged about 55 years;

All above R/o Village – Chitwahi, Police Station – Tamnar, Tahsil – Gharghoda, District Raigarh (CG)

5. Shyamlal Sharma S/o Krupasindhu Sharma, aged about 58 years, R/o Village – Chitwahi, Police Station – Tamnar, Tahsil – Gharghoda, District Raigarh (CG) Present R/o Raigarh, Madhubanpara, Bhanupratap Colony, Police Station & District-Raigarh (CG)
6. State of Chhattisgarh, Through – Collector, Raigarh, Tahsil & District Raigarh (CG)

---- Respondents

For Petitioners	:	Mr.Vaibhav Goverdhan, Advocate
For Respondents No.1 to 5	:	Mr.Manish Upadhyay, Advocate
For Respondent No.6	:	Mr.Adi Raj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****12/12/2018**

1. By the impugned order dated 25.8.2017, the trial Court allowed the application filed under Order 7 Rule 14 of the CPC for taking

documents on record and also granted the application under Order 1 Rule 10 of the CPC directing addition of person as party plaintiff.

2. Mr.Vaibhav Goverdhan, learned counsel for the petitioners/defendants, would submit that the trial Court is absolutely unjustified in granting the application as the plaintiffs evidence has already been closed on 7.11.2012 and no acceptable reason has been assigned for granting the application filed under Order 7 Rule 14 of the CPC, therefore, it is liable to be set aside.
3. On the other hand, Mr.Manish Upadhyay, learned counsel for respondents No.1 to 5, would support the impugned order.
4. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
5. It is true that the plaintiffs evidence has been closed way back on 7.11.2012 and the defendants evidence is in progress. In the meanwhile, application under Order 7 Rule 14 of the CPC was filed in which only reason assigned by the plaintiffs to file 13 documents that these documents were attached to other file and have been noticed on the date of filing the application and that has been accepted by the trial Court.
6. The Supreme Court in the matter of Bagai Construction through its Proprietor Lalit Bagai v. Gupta Building Material Store¹ has

¹ (2013) 14 SCC 1

observed as under:-

“14.....As rightly observed by the trial court, there is no acceptable reason or cause which has been shown by the plaintiff as to why these documents were not placed on record by the plaintiff during the entire trial. Unfortunately, the High Court taking note of the words “at any state” occurring in Order 18 Rule 17 casually set aside the order of the trial court, allowed those applications and permitted the plaintiff to place on record certain bills and also granted permission to recall PW 1 to prove those bills.....”

7. Considering the fact that the plaintiffs evidence has already been closed and no acceptable and valid reason has been assigned for taking documents on record, order granting the application under Order 7 Rule 14 of the CPC is set aside and also the application under Order 1 Rule 10 of the CPC based on these documents is set aside as the said person is neither necessary nor proper party and it cannot be allowed to be impleaded at advance stage of the suit.
8. The writ petition is allowed to the extent indicated hereinabove. A copy of this order be sent to the trial Court by fax/e-mail. No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-