

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 550 of 2018

Mamta Soni W/o Moolchand Soni Aged About 39 Years R/o
Imlipara, Near Shakeel Rickshaw Garage, Imlipara, Bilaspur District
Bilaspur Chhattisgarh

---- Petitioner

Versus

1. Shri Hansraj Paiswani S/o Shri Gurbomal Aged About 59 Years
2. Shri Kundanlal Paiswani S/o Shri Gorbomal Aged About 56 Years
3. Shri Narayan Paiswani S/o Gurbomal Aged About 53 Years
4. Shri Tolaram Paiswani S/o Shri Gurbomal Aged About 49 Years
All Respondent No.1 to 4 Caste Sindhi, All Respondent No. to 4 R/o
Ward -11, Kharsia, Distirct Raigarh Chhattisgarh,
5. Totaram S/o Shri Gelaram Alias Gorbomal Paiswani R/o Near
Ameri Fatak Ameri, District Bilaspur Chhattisgarh

---- Respondents

For petitioner - Shri Upendra Bharat, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/07/2018

Heard.

1. Instant petition is against the order dated 19/01/2018 whereby an application under Order 7 Rule 14 read with 151 of CPC whereby certain documents were preferred by the petitioner/plaintiff to be taken on record was dismissed on the ground that no reasons have been assigned as to why the documents have been filed with much delay when case is pending for last 10 years.
2. Learned counsel for the petitioner submits that no reasons have been assigned and evidence of the parties are yet not commenced, therefore no prejudice would be caused to either of the parties as in absence of the documents, the parties may suffer irreparable loss and order is non-speaking and practically no reason has been assigned.
3. Perusal of the documents filed along with the petition shows that

alongwith the application under Order 7 Rule 14 read with 151 of CPC list of documents were filed which pertains to the ownership and the revenue records. Dismissal of the application only says that since suit is pending for last 10 years and as such in absence of any reason assigned documents cannot be accepted by the court. This court after going through the order is not inclined to appreciate the same. Every case has its own facts. In the instant case when it is submitted that evidence of the parties have not started then in such eventuality denial of the documents so produced will automatically further lead to delay of the proceeding and multiple challenge in the appellate and revisional forum. Case is therefore sent back to the trial court to decide afresh about admissibility of the document qua lis pending before it by considering prima facie pleading of the parties. Consequently, order dated 19/01/2018 is set aside. Trial court is directed to pass fresh speaking order considering the merits of the case and nature of issue raised which is contemplated.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE