

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP227 No. 675 of 2019**

Yashodabai D/o Rajumal (since dead) through Lrs.

1. Laalchand, Son of late Sheetal Das Dhameja, Aged around 65 years, Resident of Chakradhar Nagar, Pakki Kholi, Sindhi Colony, Raigarh, Tahsil & District Raigarh, Chhattisgarh.
2. Bihari, Son of Late Rewachand Rajput, Aged around 46 years, R/o Kaserpara, Chakradhar Nagar, Raigarh, Tahsil & District Raigarh, Chhattisgarh.

--- Petitioners/Plaintiffs

Versus

Umashanker Gupta S/o Siyaram Gupta (since dead) through legal representatives

1. (a). Seema Devi, Widow of Umashanker Gupta, Aged around 35 years, R/o Chakradhar Nagar, Sindhi Colony, Raigarh, Tahsil and District Raigarh, Chhattisgarh (since dead however her name has not been deleted from array of parties in plaint).

1. (b). Vikas Gupta, S/o Umashanker Gupta, Presently aged around 35 years.

1. (c). Vikrant Gupta, S/o Late Umashanker Gupta, Presently aged around 33 years.

1. (d). Vijeta Gupta D/o Umashanker Gupta, presently Aged around 31 years,

All the Respondents 1(b) to 1(d) residents of Near Sindhu Bhawan, Chakradhar Nagar, Raigarh, Tahsil & District Raigarh, Chhattisgarh.

2. Nagar Palik Nigam, Raigarh, through Municipal Commissioner, Raigarh.

3. State of Chhattisgarh, through the Collector, Raigarh, District Raigarh, Chhattisgarh.

---- Respondents/Defendants

For Petitioners	:	Mr. Hari Agrawal, Advocate
For State	:	Mr. Ravi Bhagat, Deputy Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

03/09/2019

1. By the impugned order dated 26/07/2019, the application filed by the defendants under Order 8 rule 1A (3) of the CPC has been allowed by learned First Civil Judge Class II, Raigarh and certain documents have been taken on record, against which this writ petition under Article 227 of the Constitution has been preferred by the petitioners/plaintiffs.
2. Learned counsel appearing for the petitioners/plaintiffs would submit that the trial Court is absolutely unjustified in granting the application filed by the defendants for taking documents on record as the said documents are not at all necessary for proper adjudication of the suit and moreover, the application has been filed belatedly.
3. I have heard learned counsel for the petitioners at length and perused the records thoughtfully.
4. Learned trial Court has assigned sufficient and valid reasons for allowing the application under Order 8 rule 1A (3) of the CPC filed by the defendants for taking documents on record, as the defendants' evidence has not yet commenced. In view of that, the impugned order granting the application filed by the defendants

cannot be interfered with in exercise of jurisdiction under Article 227 of the Constitution of India.

5. The writ petition deserves to be and is accordingly dismissed. No cost(s).

**Sd/-
(Sanjay K. Agrawal)
Judge**

Harneet