

03.03.2021
(S/L-44)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1953 of 2019

Rani Bala Mondal & Ors.
-Vs-
Maya Pal & Ors.

Mr. Prabal Mukherjee,
Mr. Shurid Sur,

..... For the Petitioners.

Mr. Ambu Bindu Chakraborty,

..... For the O.P. No. 1.

The revisional application under Article 227 of the Constitution of India is at the instance of the plaintiffs in a suit for eviction being Title Suit No. 51 of 2008 and is directed against the order dated March 28, 2019 passed by the Additional Court of learned Civil Judge (Junior Division), Sealdah.

The petitioners under a Firisti filed some documents to prove the same through P.W. 1. The opposite party no. 1 filed an application objecting admission of the said documents except Item No. 09 mentioned in the said Firisti on the ground that those documents were not produced by the petitioners at the stage of discovery and inspection.

Learned Trial Judge by the order impugned has allowed the said application holding that the plaintiffs cannot tender the said documents

without the permission of the Court since those were not filed at the appropriate stage of the suit.

The learned Trial Judge is absolutely justified in holding so, inasmuch as Order VII Rule 14(3) of the Code of Civil Procedure mandates that a document which ought to be produced in Court by the plaintiffs 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.

The plaintiffs subsequently by way of amendment have incorporated the ground of reasonable requirement as one of the grounds of eviction and the documents which the plaintiffs are seeking to produce and prove are in support of their said ground as such it has rightly been observed by the learned Trial Judge in the order impugned that plaintiffs had no occasion to file those documents earlier.

It is always open to the petitioners to seek appropriate leave of the learned Trial Judge as required under Order VII Rule 14(3) of the Code to tender and prove the documents mentioned under the aforementioned Firisti excepting those which are admitted by the defendants.

C.O. 1953 of 2019 is disposed of with the above observation.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)