

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.555 OF 2022

***Gedela Gopal Krishna @ G. Gopal
Krishna and others***

Petitioners

Mr. Rabindranath Prusty, Advocate
-versus-

***Gummudu Chittibabu @ G. Chittibabu
and others***

.... ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
22.07.2022

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. This CMP has been filed assailing the order dated 20th April, 2022 (Annexure-3) passed by learned Senior Civil Judge, Parlakhemundi, Gajapati in C.S. No.17 of 2019, whereby he allowed an application under Order VII Rule 14(3) C.P.C. filed by the Plaintiff-Opposite Party No.1 for admission of certain documents as per the list appended to the said application.
 3. Mr. Prusty, learned counsel submits that the Defendants are the Petitioners in this CMP. After examination of six witnesses, the Plaintiffs filed an application to produce fifteen numbers of documents by obtaining the same under the Right to Information Act, 2005 (for short 'the Act') as well as certified copy and office copy of some documents for being admitted in evidence. Such an application is not maintainable at a belated stage, when the trial has already commenced and proceeded substantially. It is his submission that document

sought to be produced in Court by the Plaintiff should be presented along with plaint and the list of documents. The Plaintiff had filed certain documents along with the plaint, which are taken into consideration and admitted into evidence. After examination of six witnesses, in order to drag the litigation, the Plaintiff filed an application under Order VII Rule 14(3) C.P.C. to admit fifteen numbers of documents without explaining the necessity for admission into evidence. Such an application to admit the documents at a belated stage is not maintainable. In that view of the matter, he prays for setting aside the impugned order under Annexure-3.

4. Taking into consideration the submission made by learned counsel for the Petitioners and on perusal of the record, it appears that after examination of six witnesses, the Petitioners obtained certain documents under the Act and also intended to file the certified copy and office copy of some documents, more- fully described in the list appended to the said petition from Serial Nos.1 to 15 and prayed to receive those documents to be admitted into evidence.

5. Learned trial Court holding that acceptance of documents to be marked as Exhibits does not amount to proof of such documents allowed such application. Law is well settled that even if a document is admitted in evidence, the party producing it must prove the same in accordance with law, which can be considered at the time of hearing. Although at a belated stage, it does not prohibit the Court to exercise its

discretion in accepting certain documents into evidence to be marked as exhibits for just adjudication of the suit.

6. In view of the above, I find no infirmity in the impugned order under Annexure-3.

7. Accordingly, the CMP being devoid of any merit stands dismissed.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

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