

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 115

Civil Revisoin No.4805 of 2022
Date of Decision: *November 10, 2022*

Deepak Sharma

..... PETITIONER(S)

VERSUS

M/s Innovative Textiles Ltd. & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Sanjeev Kumar Bawa, Advocate, for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 06.09.2022 (Annexure P-23), by which the trial Court has dismissed the application of petitioner-defendant No.3, objecting to placing on record some documents by the plaintiff which were beyond the pleadings.

Learned counsel for the petitioner-defendant No.3, by referring to provisions of Order VII Rule 14 CPC, states that the documents were required to be placed on record alongwith the plaint by the respondent No.1-plaintiff or at a later stage with leave of the Court. He submits that no permission for exhibiting the documents in question was sought by the respondent-plaintiff from the trial Court nor any was granted, therefore, the same need to be discarded.

The trial Court while dismissing the application, has recorded that at the time of exhibiting of documents by the plaintiff, no objection was raised by the petitioner-defendant. In that situation, it is to be presumed that permission of the Court was granted to the plaintiff for producing those documents which were otherwise relevant for decision of the suit on merits.

In these circumstances, it cannot be said that the trial Court did not approve of producing the documents in question by the plaintiff. Besides, it is also to be kept in mind that the provisions of the Code of Civil Procedure are procedural in nature meant to advance the cause of justice, and cannot be invoked to prevent production of relevant documents/evidence on record due to an irregularity.

In view of the aforesaid, there is no ground to interfere with the impugned order.

Dismissed.

(Tribhuvan Dahiya)
Judge

November 10, 2022

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Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No