

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-230-2022 (O&M)

CM-600-CII-2022

CM-604-CII-2022

Date of Decision: 03.02.2022

HOUSE FULL INTERNATIONAL LTD.

Which is now

RENAISSANCE GLOBAL LTD.

...Petitioner

Versus

AKSHAY CHATURVEDI

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Prateek Arora, Advocate
for the petitioner.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Present revision petition is to set aside the impugned order dated 26.10.2021 (Annexure P-1) passed by learned Additional Civil Judge (Senior Division), Gurugram, whereby the application dated 06.12.2018 (Annexure P-2) moved by the plaintiff/respondent for placing on record the additional document has been allowed.

2. Learned counsel for the petitioner submits that the additional documents which were sought to be placed on record by the plaintiff/respondent were 'call recording audio file in a compact disc and transcript of the call recording', which has been recorded without the knowledge/consent of the petitioner and the same violates the petitioner's fundamental rights and right to life and personal liberty under Article 21 of the Constitution. The said application for placing on record the additional evidence has been allowed by the trial Court,

whereas the reasons contained in the impugned order are very much baseless, as is clear from the application itself.

3. I have heard learned counsel for the petitioner and gone through the case file.

4. The order assailed herein is premised, *inter alia*, on the following reasoning:

“5. A bare perusal of Order VIII Rule 14(3) CPC, makes it explicit clear that any document which was not produced with the plaint when the plaint was presented, or to be entered in the list to be added or annexed to the plaint, can be placed on record with the leave of the court. The judicial principle, enunciated with this Rule, mandates all the parties to produce all their documents in their possession at the time of filing of the suit and if because of certain unforeseen circumstances they failed to do so, then with the leave of the Court, that document can be received in evidence. This Rule aims to adjudicate the controversy finally and conclusively. In the case in hand, it is the submission of the applicant that these documents are very much necessary to adjudicate the controversy involved in the suit between the parties. As per his own version, these documents are not available with him at the time of filing of the present suit, despite his efforts and due diligence and as such he fails to add these documents in the list, which was annexed with the plaint. Hence, this court is of the considered view that the application in hand deserves to be allowed. I order accordingly. The applicant is directed to furnish all the documents on record and supply the copy of same to the opposite party/counsel on next date of hearing.”

5. A perusal of above leaves no manner of doubt that there is no irregularity either in facts or in law, so as to exercise extraordinary revisional jurisdiction of this Court.

6. There is no room for interference in the aforesaid valid reasons recorded by the trial Court, with which I am in agreement. It will be open to the petitioner to object to the admissibility of the

additional documents in evidence on legally available grounds including the aforesaid grounds, at the time of their production in evidence. Any such objections shall be decided by the trial Court according to law. With these observations, the petition is dismissed.

7. Pending application/s, if any, shall also stand disposed of.

February 03, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No