

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.868 of 2025**

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1. Most. Prabhawati Kunwar, W/o Late Sudama Prasad Tiwari @ Sudama Tiwari, Resident of Village- Sion, P.S. Bhabhua, District- Kaimur at Bhabhua.
2. Sunil Kumari Tiwari Son of Late Sudama Prasad Tiwari @ Sudama Tiwari, Resident of Village- Sion, P.S. Bhabhua, District- Kaimur at Bhabhua.
3. Raj Kumar Tiwari Son of Late Sudama Prasad Tiwari @ Sudama Tiwari, Resident of Village- Sion, P.S. Bhabhua, District- Kaimur at Bhabhua.
4. Santosh Kumar Tiwari Son of Late Sudama Prasad Tiwari @ Sudama Tiwari, Resident of Village- Sion, P.S. Bhabhua, District- Kaimur at Bhabhua.
5. Subhash Kumar Tiwari Son of Late Sudama Prasad Tiwari @ Sudama Tiwari, Resident of Village- Sion, P.S. Bhabhua, District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. Anil Kumar Pandey Son of Late Lakshmi Narain Pandey, Resident of Village- Dhanachhuawan, P.S.- Karakat, District- Rohtas at Sasaram presently residing at Mohalla- Company Sarai, Kali Asthan, G.T. Road, Sasaram, P.S.- Sasaram, District- Rohtas at Sasaram.
2. Deepak Kumar Pandey Son of Late Lakshmi Narain Pandey, Resident of Village- Dhanachhuawan, P.S.- Karakat, District- Rohtas at Sasaram presently residing at Mohalla- Company Sarai, Kali Asthan, G.T. Road, Sasaram, P.S.- Sasaram, District- Rohtas at Sasaram.
3. Divya Pandey Daughter of Late Lakshmi Narain Pandey, Resident of Village- Dhanachhuawan, P.S.- Karakat, District- Rohtas at Sasaram presently residing at Mohalla- Company Sarai, Kali Asthan, G.T. Road, Sasaram, P.S.- Sasaram, District- Rohtas at Sasaram.
4. Anjani Pandey Daughter of Late Lakshmi Narain Pandey, Resident of Village- Dhanachhuawan, P.S.- Karakat, District- Rohtas at Sasaram presently residing at Mohalla- Company Sarai, Kali Asthan, G.T. Road, Sasaram, P.S.- Sasaram, District- Rohtas at Sasaram.
5. Sangita Pandey Daughter of Late Lakshmi Narain Pandey, Resident of Village- Dhanachhuawan, P.S.- Karakat, District- Rohtas at Sasaram presently residing at Mohalla- Company Sarai, Kali Asthan, G.T. Road, Sasaram, P.S.- Sasaram, District- Rohtas at Sasaram.
6. Harendra Prasad Tiwari S/o- Late Ganga Tiwari, Resident of Village- Sion, P.S.- Bhabhua, District- Kaimur.
7. Bijendra Tiwari S/o- Harendra Prasad Tiwari, Resident of Village- Sion, P.S.- Bhabhua, District- Kaimur.
8. Birendra Mishra S/o- Late Babban Mishra, Resident of Village- Padhauti, P.S- Bhagwanpur, District- Kaimur at Bhabhua.
9. Santosh Kumar Mishra S/o- Sri Birendra Mishra, Resident of Village-



Padhauti, P.S- Bhagwanpur, District- Kaimur at Bhabhua.

10. Vina Kumari Daughter of Birendra Mishra, Resident of Village- Padhauti, P.S- Bhagwanpur, District- Kaimur at Bhabhua.
11. Saroj Kumari W/o- Rishikesh Pandey, Resident of Village- Mohaniya, P.S- Mohaniya, District- Kaimur at present residing at village- Padhauti, P.S- Bhagwanpur, District- Kaimur.
12. Narendra Nath Pandey S/o- Late Dashrath Pandey, Resident of Village- Nawada, P.S- Saiyad Raja, District- Chandauli, Uttar Pradesh at present residing at D59/199/A-10, Shivanpur Colony, Shivanpur Varanasi (U.P).
13. Manish Kumar Pandey S/o- Narendra Nath Pandey, Resident of Village- Nawada, P.S- Saiyad Raja, District- Chandauli, Uttar Pradesh at present residing at D59/199/A-10, Shivanpur Colony, Shivanpur Varanasi (U.P).
14. Pratibha Pandey D/o- Narendra Nath Pandey and W/o- Chanchal Upadhyay, Resident of B-34/146 P2K Sarainandan, Dasmari (Khojwa), Varanasi, U.P.
15. Manju Lata Pandey W/o- Narvadeshwar Pandey, Resident of Village- Nuaon, P.O. and P.S- Nuaon at present residing at M1/15 BPTP Park Land Sector 83 Kherikhurd Faridabad, Haryana- 121002.
16. Prem Lata Chaudhary W/o- Manoj Kumar Chaudhary, Residence of Village- Gayghat, Post- Naitiya, P.S- Kudra, at present residing at Bhabhua Ward No. 10 Chakbani Road, P.O and P.S- Bhabhua, District- Kaimur.
17. Pushplata Tiwari D/o- Late Sudama Prasad Tiwari and W/o- Anil Kumar Dubey, Resident of Village- Sion, P.O. and P.S- Bhabhua, District- Kaimur at present residing at Village- Kaser, P.O- Kaser, P.S- Bhagwanpur, District- Kaimur.
18. Shankar Singh Son of Late Narayan Singh, Village- Sion, P.S- Bhabhua and District- Kaimur at Bhabhua.
19. Rajendra Singh Son of Late Narayan Singh, Village- Sion, P.S- Bhabhua and District- Kaimur at Bhabhua.
20. Most. Name not known W/o- Late Narayan Singh, Village- Sion, P.S- Bhabhua and District- Kaimur at Bhabhua.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL JUDGMENT**

**Date : 07-08-2025**

The record taken up on mentioning being made on  
behalf of the petitioners.

2. Heard learned counsel for the petitioners.



3. The petitioners are aggrieved by the order dated 02.07.2025 passed by the learned Civil Judge (Senior Division), 1<sup>st</sup>, Kaimur at Bhabua in Title Suit No. 41 of 1979 whereby and whereunder a petition dated 02.07.2025 filed by the petitioners for keeping the documents along with box in the custody of the court and marking them as exhibits in the suit has been rejected.

4. The learned counsel for the petitioners submits that prayer of the petitioners was rejected only on the ground that no prior leave of the court was obtained by the petitioners. The learned counsel further submits that Order 13 Rule 1 of the Code of Civil Procedure (hereinafter referred to as 'the Code') does not provide any such provision for seeking leave from the court.

5. I think such submission is without any legal basis. The Order 13 Rule 1 of the Code reads thus :

***“1. Original documents to be produced at or before the settlement of issues.—(1) The parties or their pleader shall produce on or before the settlement of issues, all the documentary evidence in original where the copies thereof have been filed along with plaint or written statement.***

*(2) The Court shall receive the documents so produced:*

*Provided that they are accompanied by an accurate list thereof prepared in such form as the*



*High Court directs.*

*(3) Nothing in sub-rule (1) shall apply to documents—*

*(a) produced for the cross-examination of the witnesses of the other party; or*

*(b) handed over to a witness merely to refresh his memory”.*

6. The aforesaid provision merely shows original documents are to be filed prior to or at the time of settlement of issues.

7. Then Order 7 Rule 14 of the Code reads as under :

***“14. Production of document on which plaintiff sues or relies.—(1) Where a plaintiff sues upon a document or relies upon document in his possession or power in support of his claim, he shall enter such documents in a list, and shall produce it in court when the plaint is presented by him and shall, at the same time deliver the document and a copy thereof, to be filed with the plaint.***

*(2) Where any such document is not in the possession or power of the plaintiff, he shall, wherever possible, state in whose possession or power it is.*

*(3) A document which ought to be produced in Court by the plaintiff 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.*

*(4) Nothing in this rule shall apply to document produced for the cross-examination of the plaintiff's witnesses, or, handed over to a witness merely to refresh his memory”.*

8. Order 7 Rule 14 (3) of the Code makes it abundantly clear that any document on which plaintiff relies has to be filed along with the plaint and if such document could not be filed along with pleading, the leave of the court is required for receiving such document in evidence at the hearing of the suit before the court.

9. In the light of aforesaid discussion, I do not find the impugned order dated 02.07.2025 suffers from any infirmity as the same has been passed after due consideration of law and, therefore, the same is affirmed.

10. At this stage, learned counsel for the petitioner submits that the petitioner has filed another application on 03.07.2025 seeking leave of the court to bring on record the documents, but the said application has been kept pending till date. The learned counsel further submits that the evidence of the parties has been closed and the court is insisting the parties to start their argument. Thus, learned counsel submits that the learned trial court may be directed to first dispose of the application dated 03.07.2025 before proceeding further in the



matter.

11. Since the interlocutory application has been pending before the learned trial court with regard to valuable rights of the petitioners, it is not proper for the learned trial court to insist the parties to make their argument in the case without first disposing of the application dated 03.07.2025 filed by the petitioners.

12. Therefore, learned trial court is directed to dispose of the application dated 03.07.2025 filed by the plaintiffs/petitioners in accordance with law prior to proceeding further in the matter.

13. Accordingly, the instant petition stands disposed of.

**(Arun Kumar Jha, J)**

V.K.Pandey/-

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| AFR/NAFR          | NAFR       |
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