

01.12.2025
M/L No.8
Court No.6
(gc)

CO 4022 of 2025

Mr. Neel Mani Bhartiya
Vs.
Manoj Kumar Agarwal

Mr. Sayak Chakrabarti,
Mr. Anish Mukherjee,
Mr. Wrickbrata Roy,
Mr. Tamaghna Pramanick,
Mr. Nistar Molla,
Mr. Iswar Das,
Mr. S. Chatterjee,
Mr. K. P. Baiddya,
Mr. Farhan Haider

...for the Petitioner.

Mr. Siddhartha Lahiri,
Mr. Debraj Dutta,
Ms. Nivedita Mallick

...for the Opposite Party

1. The petitioner is the defendant in Title Suit No.567 of 2021. The petitioner is aggrieved by an order dated September 8, 2025 passed by the learned Civil Judge (Sr. Divn.), 2nd Court at Alipore. By the order impugned, the learned Court rejected the application under Section 151 of the Code of Civil Procedure with cost of Rs.2,000/- to be paid by the petitioner in favour of the opposite party.
2. The petitioner filed the said application, seeking striking out the evidence of the P.W.1 which was recorded on June 5, 2024 and July 16, 2024 in the said case. According to the petitioner, along

with the plaint, a list of documents sought to be relied upon in the plaint was to be filed in accordance with Order 7 Rule 14 of the Code of Civil Procedure.

3. The learned Advocate for the petitioner submits that the consequences of not filing such list have been provided in the statute and thus, the evidence of the P.W.1 should be struck off. The documents should not be accepted in evidence. Reliance was placed on Order 7 Rule 14(3) of the Code of Civil Procedure.
4. The learned Court was of the view that the provisions were directory and the documents were already mentioned in the plaint.
5. Mr. Lahiri, learned Advocate for the plaintiff/opposite party has handed over the plaint. It appears that the documents which have been relied upon have been described in the various paragraphs of the plaint and have been marked as annexures "A" to "BN". Each of these documents have been annexed with the plaint. The plaint as a whole, with the documents, was served upon the petitioner. The petitioner also filed written statement and issues were framed. The documents were marked exhibits. At such juncture, the petitioner filed a frivolous application, seeking deletion of the evidence. The law provides that the documents sought to be

relied upon by the plaintiff should be entered in a list to be filed with the plaint. The documents are annexed with the plaint. It often happens that the documents are also filed by way of firisti later on. However, in this case, the list of the documents is available from the averments and the entire bunch of documents have been annexed to the plaint.

6. There is substantial compliance of the provisions of Order 7 Rule 14. Order 7 Rule 14(3) does not speak about striking off evidence. The court permitted those documents to be submitted and tendered in evidence.
7. The revisional application is, accordingly, dismissed.
8. The suit shall proceed expeditiously.
9. A copy of the plaint be kept with the record.
10. There shall be no order as to costs.
11. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)