



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16157 OF 2025

Shree Par Fragrance Pvt Ltd

..Petitioner

Versus

Zest Aromas Pvt Ltd

...Respondent

Mr. Kunal R Maskar, for the Petitioner.

Mr. Ankit Rajput, i/b Rutvij Bhatt, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATE : 9th DECEMBER 2025

ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 10th May 2024, whereby the learned Judge, City Civil Court marked the delivery challans and invoices in evidence and a subsequent order dated 18th September 2025 whereby the learned Judge, City Civil Court dismissed the Notice of Motion No. 2872 of 2024 taken out by the Defendant-Petitioner to set aside the first order dated 10th May 2024.
3. Mr. Kunal Maskar, the learned Counsel for the Petitioner, submitted the said invoice and delivery challans were tendered by the Plaintiff along with the Affidavit in lieu of the examination-in-chief only. Those documents were not filed by the Plaintiff along with the Plaint as

warranted by the provisions contained in Order VII Rule 14(1) of the Code of Civil Procedure, 1908 (“the Code”), nor the Court had granted leave to produce the documents under Order VII Rule 14(3) of the Code. Therefore, the learned Judge, City Civil Court committed an error in law in allowing production of and admitting the said documents in evidence.

4. Mr. Ankit Rajput, the learned Counsel for the Respondent-Plaintiff, submitted that the Plaintiff had relied upon the invoices and delivery challans in the Plaint itself as those documents were expressly referred to and included in the statement of accounts annexed to the Plaint. It was further submitted that by a communication dated 1st July 2014 while confirming the balance as of 31st March 2014, the Defendant had acknowledged the supplies under the said invoices.

5. The provisions contained in Order VII Rule 14(3) of the Code are required to be construed to advance the cause of determination of the lis on merits and promote justice. Ordinarily, leave to produce the documents under Order VII Rule 14(3) of the Code ought to be granted unless there are circumstances which render the production of the documents subsequent to the filing of the Suit unjustifiable.

6. A useful reference in this context can be made to the decision of the Supreme Court in the case of **Chakreshwari Construction Pvt. Ltd. v/s. Manohar Lal**¹.

1 (2017) 5 scc 212

7. In the case at hand, the Suit has been instituted for recovery of the price of the goods sold and delivered by the Plaintiff to the Defendant. The invoices and the delivery challans find reference in paragraph 3 of the Plaint. Those invoices were included in the statement of account annexed to the Plaint.

8. *Prima facie* it appears that vide balance confirmation letter dated 1st July 2014, the supply of the goods under the said invoices was acknowledged, though a dispute was sought to be raised about the quality of the goods and the return of the material supplied under the Invoice No. 000385, dated 16th January 2013. The Petitioner was thus not taken by surprise. Nor any substantial prejudice was caused to the Petitioner.

9. In these circumstances, the learned Judge, City Civil Court was justified in allowing the production of the documents and marking those documents in evidence. It is trite mere marking of documents as exhibit does not dispense with the proof of documents.

10. At any rate, the order admitting the documents in evidence being a procedural order is not ordinarily amenable to exercise of writ jurisdiction. It does not appear that the learned Judge, City Civil Court committed either jurisdictional error or grave procedural irregularity resulting in miscarriage of justice so as to warrant exercise of extraordinary writ jurisdiction.

11. Hence , the Petition stands dismissed.

[N. J. JAMADAR, J.]