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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 170 of 2026

1 - Sagar Kumar S/o Girdhari Aged About 47 Years Director Subbhash Vintrade Private Limited Address Fifth Floor, Ozone Tower, Fafadih Raipur District- Raipur (C.G.) Defendant No. 5)

2 - Subhash Vintrade Private Limited A Company Duly Incorporate As Pe Provision Of Companies Act, 1956 Havind Its Address Fifth Floor, Ozone Tower, Fafadih Raipur District- Raipur (C.G.) Defendant No. 1)

... Petitioner(s)

versus

1 - Abhishek Kumar Chand S/o Late Harbansh Lal Aged About 31 Years R/o 2252, Railway Road Adampur, Tehsil And District- Jalandhar, Punjab Through Power Of Attorney Holder Dashavindar S/o Late Ratanchand Aged About 63 Years R/o 2252 Railway Road Adampur Tehsil And District- Punjab

2 - Shrimati Sunita Rani Wd/o Late Harbansh Lal Aged About 59 Years R/o 2252, Railway Road Adampur, Tehsil And District- Jalandhar, Punjab Through Power Of Attorney Holder Dashavindar S/o Late Ratanchand Aged About 63 Years R/o 2252 Railway Road Adampur Tehsil And District- Punjab

3 - Renu Kumari Chand D/o Late Harbansh Lal W/o Amit Kumar Pal Aged About 36 Years R/o 2252, Railway Road Adampur, Tehsil And District- Jalandhar, Punjab Through Power Of Attorney Holder Dashavindar S/o Late Ratanchand Aged About 63 Years R/o 2252 Railway Road Adampur Tehsil And District- Punjab

4 - Rachna Kumari Malhi @ Rachna Kumari Chand D/o Late Harbansh Lal W/o Ranbir Malhi Aged About 38 Years R/o 2252, Railway Road Adampur, Tehsil And District- Jalandhar, Punjab Through Power Of Attorney Holder Dashavindar S/o Late Ratanchand Aged About 63 Years R/o 2252 Railway Road Adampur Tehsil And District- Punjab

5 - Subhash Sharma S/o Lokeshwar Prasad Sharma Aged About 58 Years R/o Lig C- 109, Shailendra Nagar, Raipur Tehsil And District- Raipur (C.G.) (Defendant No. 2)

6 - Ummend Singh S/o Ridhmal Singh Aged About 34 Years At That Time Director, Of Subhash Vintrade Private Limited Address Fifth Floor, Ozone Tower Fafadih Raipur, District- Raipur (C.G.) Defendant No. 3)

7 - Daman Kumar Sarthi S/o Mahesh Kumar Sarthi Aged About 35 Years At Present Director Of Subbhash Vintrade Private Limited Address Fifth Floor, Ozone Tower, Fafadih Raipur District- Raipur (C.G.) Defendant No. 4)

8 - State Of Chhattisgarh Through The Collector, Raipur District- Raipur Address Office Of Collector, Raipur City, Tehsil And District- Raipur (C.G.)

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner(s)	**:**	Mr. Shobhit Koshta, Advocate.
For Respondent No. 1	**:**	Mr. Ankur Agrawal, Advocate.
For Respondent No. 2 to 4	**:**	None, though served.
For State	**:**	Ms. Richa Sahu, Panel Lawyer.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.
Order on Board

27/10/2026

1. The respondent Nos. 5 to 7 were defendants before the learned trial Court, therefore, no notices have been issued to them.

2. Heard.

3. The present writ petition has been filed by the petitioners under Article 227 of the Constitution of India, challenging the order dated 06.01.2026 passed by the learned Second District Judge, Raipur, in Civil Suit No. 105-A/2016, whereby the application filed by the petitioners under Order 8 Rule 1(3) of the CPC has been rejected.

4. Learned counsel for the petitioners would submit that the petitioners are defendants Nos. 1 and 5 before the learned trial Court, where respondents Nos. 1 to 4 are prosecuting a suit for declaration of title and permanent injunction with respect to the suit properties shown in Schedule 1 annexed with the plaint. There is a dispute with respect to

the recitals of the sale deed, which was allegedly executed on 25.09.2013 and sought to be declared null and void, by the original plaintiff, Harbans Lal, in favour of defendant No. 1/company. The relevant part of the recitals of the sale deed with respect to the passing of consideration through cheques is the subject matter of the dispute, as there are differences between the sale deed filed by the plaintiffs in support of their claim as Ex. P/2 and the sale deed that the present petitioners seek to file in the suit, which they have obtained from the Office of the District Registrar and also from Punjab National Bank, with which the property was mortgaged. He would further submit that the learned trial Court has rejected the application filed by the petitioners on the ground that a copy of the sale deed has already been filed by the plaintiffs as Ex. P/2 and there is no need to file another copy of the same sale deed in the case. He would further submit that the sale deed has been filed by the plaintiffs before the learned trial Court, but, in view of the differences in the recitals of the sale deed, the documents sought to be filed by the petitioners are very relevant for the just decision of the case. He would further submit that no prejudice would be caused to the plaintiffs, as they have every right to cross-examine the defendants' witnesses and to avail themselves of the remedy to prove their case in accordance with law. Therefore, the application filed by the petitioners may be allowed and the impugned order may be set aside.

5. On the other hand, learned counsel appearing for respondent No. 1 opposes the submissions made by learned counsel for the petitioners and would submit that the same sale deed has been filed by the plaintiff after obtaining its certified copy from the Office of the Registrar,

and the certified copy was issued on the basis of its original copy kept in the Office of the Registrar. The defendants have tried to raise a dispute by filing another copy of the sale deed, which is not relevant to the controversy between the parties and the issues involved in the suit. The defendants have cross-examined the plaintiff's witness, and the plaintiff's evidence has been closed, and the case has been fixed for recording the defendants' evidence. The learned trial Court has rightly considered that the copy of the sale deed has already been filed by the plaintiff and there is no need to file another copy of the same. Therefore, the writ petition has no merit and is liable to be dismissed.

6. I have heard learned counsel for the parties and perused the documents annexed with the petition.

7. From a perusal of the documents annexed with the petition, it transpires that the plaintiff relied upon the document Ex. P/2, which is annexed to the petition at page 37, and the document which is sought to be filed by the defendants is annexed to the petition from page No. 52 onwards. The relevant parts of the recitals, which are the subject matter of the dispute, are at pages Nos. 43 and 60, respectively. It is relevant to note that both these recitals read as under:-

विकय प्रतिफल की संपूर्ण राशि 4,97,16,000/– रूपये अक्षरी चार करोड़ सत्यान्वे लाख सोलह रूपये विकेता ने केता से आपस में निम्नानुसार प्राप्त किया जिसकी अभिस्वीकृति विकेता एतद् द्वारा प्रदान करता है। अब इस सौदे से संबंधित कोई भी राशि लेना शेष नही है।

क्रं	राशि	नगद/चेक	दिनांक	बैंक
1	99,43,200/–	152944	25.11.13	पी.एन.बी
2	99,43,200/–	152945	25.12.13	पी.एन.बी
3	99,43,200/–	152946	25.01.14	पी.एन.बी
4	99,43,200/–	152947	25.02.14	पी.एन.बी
5	99,43,200/–	152948	25.03.14	पी.एन.बी

कुल 4,97,16,000/– रूपये अक्षरी चार करोड़ सन्त्यान्बे लाख सोलह रूपये

यह कि इस विकयपत्र के पंजीयन का समस्त खर्च जैसे (मुद्रांक शुल्क एवं पंजीयन शुल्क) विकेता द्वारा वहन किया गया है।

8. विकय प्रतिफल की संपूर्ण राशि 4,97,16,000/– रूपये अक्षरी चार करोड़ सन्त्यान्वे लाख सोलह रूपये विकेता ने केता से आपस में निम्नानुसार प्राप्त किया जिसकी अभिस्वीकृति विकेता एतद् द्वारा प्रदान करता है। अब इस सौदे से संबंधित कोई भी राशि लेना शेष नही है।

कं	राशि	नगद/चेक	दिनांक	बैंक
1	99,43,200/–	152944	25.11.13	पी.एन.बी
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5	99,43,200/–	152948	25.03.14	पी.एन.बी

पेस्ट डेटेड होने के बावजूद आहरण पूर्व केता की सहमति अनिवार्य है। चेक बाउंस होने पर केता का भूस्वामी हक कायम रहेगा। इस बाबत् कोई कानूनी कार्यवाही नही की जाएगी।

कुल 4,97,16,000/– रूपये अक्षरी चार करोड़ सन्त्यान्बे लाख सोलह रूपये

यह कि इस विकयपत्र के पंजीयन का समस्त खर्च जैसे (मुद्रांक शुल्क एवं पंजीयन शुल्क) विकेता द्वारा वहन किया गया है।

9. The parties could not dispute that these recitals form part of the same sale deed, which was executed on 25.09.2013. However, a clear distinction has emerged with respect to the recitals made in the same sale deed. The recital available at page No. 43 forms part of the sale deed, Ex. P/2, which has been filed by the plaintiff before the learned trial Court. Since the defendants are disputing the recitals of the sale deed filed by the plaintiff and seek to produce another copy of the sale deed containing the recital available at page No. 60, they cannot be prevented from filing the same in the suit in support of their claim.

10. From a perusal of the impugned order, it transpires that the learned trial Court has considered that the execution of the sale deed is admitted by both parties. However, the discrepancies have also been observed in the impugned order dated 06.01.2026, and the learned trial Court has concluded that since the execution of the document is admitted, it is not required to be proved further, and the admitted document is already on record. This finding, in the opinion of this Court, appears to be perverse, in view of the fact that the defendants are raising a dispute with respect to another recital of the same sale deed.

11. Therefore, this Court is of the considered opinion that the defendants are entitled to place on record the documents in their support, which they sought to produce along with the application under Order 8 Rule 1(3) of the CPC.

12. Consequently, the impugned order dated 06.01.2026 passed by the learned trial Court is set aside. The application filed by the petitioners under Order 8 Rule 1(3) of the CPC is allowed, and the documents filed along with the said application are directed to be taken on record.

13. The plaintiff is entitled to avail the remedies available to him with respect to the subject document sought to be produced by the petitioners before the learned trial Court during the proceedings of the suit.

14. With the aforesaid observations, the present writ petition is **allowed**.

15. The interim order, if any, stands vacated.

Sd/-
(**Ravindra Kumar Agrawal)**
Judge

Alok