IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. : 435 of 2022
Decided on : 27.10.2026

Bakshi Ram ...Petitioner

Versus

State of H.P. & Ors. ...Respondents

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?[1]

For the petitioners	:	Mr. Mohinder Verma, Mr. Sumit Sharma and Mr. Digvijay Singh Bisht, Advocates.
For the respondent	:	Mr. H.S. Rawat, Mr. Mohinder Zharaick, Additional A.Gs., with Mr. Rohit Sharma, Deputy A.G., for respondents No. 1 to 4. Respondent No. 5 is stated to have expired. None for respondent No. 6.

Virender Singh, Judge (Oral)

CMP No. 27982 of 2026

By way of the present application, the copy of order dated 07.11.2025, passed by the Court of learned Civil Judge, Court No. 2 Sarkaghat, District Mandi, H.P.

[1] *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

(hereinafter referred to as 'the learned trial Court'), has been sought to be produced on record.

2. Perusal of the said document demonstrates that after the death of respondent No. 5 Sh. Rattan Singh, his LRs were already brought on record, before the learned trial Court, on 07.11.2025. Consequently, the application under consideration is allowed. The documents are ordered to be taken on record. Keeping in view the said order, amended memo of parties, which is annexed with the application, is ordered to be taken on record.

3. Application stands disposed of.

CMPMO No. 435 of 2022

4. Petitioner-Bakshi Ram has filed the present petition under Article 227 of the Constitution of India, against the judgment dated 30.05.2022, passed by the learned trial Court, in C.M.A. No. 239/2019, which has been filed in Civil Suit No. 86/2015, titled as "Bakshi Ram Versus State of H.P. and others".

5. By way of order dated 30.05.2022, the learned trial Court, has dismissed the application under Order 7 Rule 14(3) of CPC and Order 18 Rule 17 of CPC, moved by the present petitioner.

6. For the sake of convenience, parties to the present *lis,* are, hereinafter referred to, in the same manner, as were, referred to, by the learned trial Court.

7. Necessary facts, leading to the filing of the present petition before this Court, as borne out from the documents annexed with the petition, may be summed up, as under:-

7.1 Plaintiff-Bakshi Ram has filed a suit for permanent prohibitory and mandatory injunction, against defendants No. 1 to 4, with a prayer to restrain them from issuing the license of saw mills to defendants No. 5 and 6, at village Dodar over Khasra No. 27, situated at Village Dodar/267 and at village Kothi Bassi, respectively. In addition to this, relief of declaration has also been sought to declare the license of saw mills issued by defendants No. 1 to 4, as illegal and void.

8. The said suit has been contested by the defendants.

9. Thereafter, the learned trial Court has framed the issues.

10. After availing eight effective opportunities to lead plaintiff's evidence, the application under Order 7 Rule

14(3) CPC read with Section 151 CPC for tendering the documents in the Court and under Order 18 Rule 17 read with Section 151 of CPC, for additional evidence, has been moved by the plaintiff on the ground that the plaintiff wants to place on record the documents as made in the application as detailed in para 2 of the application. Those documents were not in the possession of the plaintiff, at the time of filing the suit and the same are procured by the plaintiff through RTI Act, 2005, from Forest Division Suket. These documents are from the official record. Those documents are also stated to be necessary for just adjudication of the case. He has also sought the permission to adduce additional evidence to prove those documents.

11. This application has been contested by defendant No. 5, by taking preliminary objections that application is not maintainable and the contents of the application were also controverted/contested.

12. Thereafter, the learned trial Court, vide order dated 30.05.2022, has dismissed the application.

13. The said order has now been assailed by way of the present petition.

14. Heard.

15. Admittedly, the plaintiff has availed, as many as, eight opportunities and thereafter the present application has been moved.

16. From the above facts, the only question, which, has arisen before this Court, is as to whether after the commencement of the trial, the plaintiff can be permitted to produce the documents.

17. In this regard, the provisions of Order 7 Rule 14(3) of CPC, are reproduced, as under:-

> *"**14. Production of document on which plaintiff sues or relies**:-*
> *XXXX XXXX XXXX*
> *(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."*

18. Bare persual of the above provisions, demonstrate that it is not the legislative intent that after the commencement of trial, the documents could not be produced. Only condition, which has been mentioned in Order 7 Rule 14(3) CPC, is to obtain the permission of the Court.

19. Considering the documents, which are information, obtained by the plaintiff under RTI Act, the

learned trial Court, should have permitted the plaintiff to produce those documents for the just adjudication of the case.

20. The procedural laws are meant for advancement of justice and not to hamper the same. The matter should be decided on merits, not on the basis of the alleged default of the plaintiff to produce the documents along with the plaint. Moreover, when the documents, which were sought to be produced, during the pendency of the lis, there would be no impediment to place the same on record. Moreover, considering the stage of the trial, according to which, case is listed for plaintiff evidence, the documents can be taken on record, as there is sufficient opportunity to the other party to controvert/cross-examine the witnesses, who would prove the documents sought to be produced.

21. Considering all these facts, the order under challenge, does not stand in the judicial scrutiny of this Court and the same is accordingly set aside. Accordingly, the application, under Order 7 Rule 14(3), read with Section 151 CPC, and under Order 18 Rule 17 CPC, is allowed, subject to cost of Rs. 10,000/-.

22. With these observations, the present petition is allowed and the parties to the lis, are directed to put appearance before the learned trial Court on 17.11.2026, at 10:00 am.

23. Pending application(s), if any, shall also stand(s) disposed of.

(Virender Singh)
Judge

27th October, 2026
(*Pramod Kumar*)