2026:UHC:10112

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WRIT PETITION No.2648 of 2026 (M/S)

(Under Article 227 of the Constitution of India)

Naveen Pathak & Another --Petitioners

Versus

Ashok Negi --Respondent

Presence:-
Mr. B. D. Pande, learned counsel for the petitioners.
Mr. Devang Dobhal, learned counsel for the respondent.

Hon'ble Siddhartha Sah, J. (oral)

By means of the present writ petition under Article 227 of the Constitution of India, the petitioners have sought the following reliefs:-

(i) Set-aside the judgment and order dated 27.07.2026 passed by learned First Additional District Judge, Dehradun in Civil Revision No.182 of 2024, titled as "Naveen Pathak & Anr. vs. Ashok Negi" and the order dated 18.07.2024 passed by the learned Additional Civil Judge-II (Junior Division), Dehradun in Original Suit No.97 of 2020, titled as "Ashok Negi vs. Naveen Pathak & Anr.".

(ii) Allow the revision being Civil Revision No.182 of 2024 titled as "Naveen Pathak & Anr. vs. Ashok Negi" and be pleased to dismiss the application paper no.69C2 filed by

the plaintiff/respondent seeking to bring on record certain documents.

2. The facts necessary for the adjudication of the present writ petition, are as follows:

(i) The plaintiff/respondent instituted a suit for prohibitory and mandatory injunctions against the petitioners. The petitioners/defendants filed a written statement as well as a counter-claim.

(ii) The matter accordingly proceeded, and the learned trial court, on the basis of the pleadings of the parties, framed issues on 14.12.2023.

(iii) The matter was fixed for 18.07.2024, when the plaintiff filed an application (Paper No. 69C-2), along with certain documents vide list (Paper No. 70C). The learned counsel for the petitioners/defendants made the following endorsement: “Sir, opposed, copy received, time for objection.”

(iv) The learned trial court heard the learned counsel for the parties and, vide order dated 18.07.2024, allowed the application (Paper No. 69C-2), to take on record the documents filed vide list (Paper No.

70C), and directed that the said documents be taken on record.

3. Aggrieved against the order dated 18.07.2024, the petitioners/defendants filed a revision, which was dismissed by the First Additional District Judge, Dehradun vide judgment and order dated 27.07.2026.

4. Assailing the impugned aforesaid orders, learned counsel for the petitioners/defendants has drawn the attention of the Court to provisions of Order VII, Rule 14 of CPC and Order XIII, Rule 1 of CPC, which are extracted hereunder for ready reference:-

> ***Order 7 Rule 14. Production of document on which plaintiff sues or relies***
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> *Documents relied on in plaint*
>
> *1[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.*
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> *(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.*
>
> *2[(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.*
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> *(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.]

Order 13 Rule 1. Original documents to be produced at or before the settlement of issues

ORDER XIII

Production, Impounding and Return of Documents

1[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.]

5. Learned counsel for the petitioners/defendants would submit that Order VII Rule 14 of the CPC envisages that it is incumbent upon the plaintiff to file the documents on which the plaintiff sues or relies at the time of institution of the suit.

6. Learned counsel for the petitioners/defendants would further submit that, as per the provisions of Order XIII Rule 1 of the CPC, the original documents are required to be produced at or before the settlement of issues.

He would further submit that the CPC does not provide for filing any documents thereafter. In the backdrop of the aforesaid provisions of Order VII Rule 14 and Order XIII Rule 1 of the CPC, learned counsel for the petitioners/defendants would submit that the learned trial court erred in allowing the application (Paper No. 69C-2) and permitting the plaintiff/respondent to bring the documents on record.

7. He would fairly submit that although the court has the discretion to accept documents on record, an unfettered exercise of such discretion would give rise to an unending process.

8. It is further the case of the petitioners/defendants that, as per the admission of the plaintiff/respondent himself, the learned trial court had orally permitted him to place certain photographs on record. However, taking advantage of the said permission, the plaintiff/respondent has placed umpteen documents on record. Learned counsel would thus submit that the plaintiff/respondent has acted beyond the scope of the permission granted by the learned trial court. He would, therefore, submit that the impugned orders are dehors the provisions of the CPC and cannot be sustained. Since the courts below have committed an illegality, the impugned orders deserve to be quashed.

9. Learned counsel for the defendants/petitioners would further submit that he has no objection to the extent that the documents sought to be brought on record are photographs; however, he vehemently opposes the production of any documents other than the photographs.

10. Per contra, learned counsel for the plaintiff/respondent would submit that the documents sought to be brought on record by way of the application (Paper No. 69C-2) were necessary for the just and effective adjudication of the case. He would further submit that bringing the said documents on record would not alter the nature of the case. He would thus submit that the impugned orders are fully justified and in accordance with law and do not warrant any interference by this Court.

11. Upon hearing the learned counsel for the parties and upon perusal of the records, it is evident that Order VII Rule 14 of the CPC envisages that the plaintiff/respondent is required to produce the documents at the time of institution of the suit and Order XIII Rule 1 of the CPC also provides that the parties may produce the documents at or before the settlement of issues. However, learned counsel for the petitioners/defendants could not point out any provision of the CPC which prohibits a party from bringing any document on record after the settlement of issues.

12. When the query was made to the learned counsel for the parties as to what was the stage of the trial, learned counsel for the parties would submit that the trial was at the stage post framing of issues. However, the plaintiff/respondent was yet to file the affidavit of examination-in-chief. It was at this stage that the aforesaid application (Paper No. 69C-2) was filed along with the list of documents and the documents sought to be brought on record.

13. Faced with such an eventuality, what falls for determination before this Court is whether either of the parties can be permitted to place on record documents, which are necessary for the just and effective adjudication of the case, after the settlement of issues. Although the provisions of Order XIV Rule 1 and Order XIII Rule 1 of the CPC provide for the filing of documents at or before the settlement of issues, whether the Court can permit the filing of documents beyond that stage is the moot question that arises for consideration in the present case.

14. Although there is no specific provision extending the time prescribed under Order XIII Rule 1 of the CPC, it is well settled that procedure is a handmaiden of justice. Procedural and technical hurdles should not be allowed to come in the way of the Court in the dispensation of substantial justice. Where a procedural violation does not

cause serious prejudice to the opposite party, the settled position of law is that the Court must lean in favour of substantial justice rather than allowing procedural or technical violations to defeat the same.

15. A similar matter arose before the Hon'ble Supreme Court in the case of Sugandhi (Dead) by Legal Representatives and Another vs. P. Rajkumar, represented by his Power Agent Imam Oli, reported in (2020) 10 SCC 706. In that case, the documents had not been filed along with the written statement, and the application seeking permission to bring them on record was rejected. The revision preferred against the said order was also dismissed by the High Court. However, the Hon'ble Supreme Court, while considering the provisions of Order VIII Rule 1A of the CPC, observed that procedure is a handmaiden of justice and that procedural and technical hurdles should not be allowed to come in the way of the Court while dispensing substantial justice. Taking a liberal view, the Hon'ble Supreme Court allowed the application for production of documents under Order VIII Rule 1A of the CPC. Paragraphs 7, 8, 9, 10 and 11 of the said judgment are extracted hereunder for ready reference:-

> "7. Sub-rule (1) mandates the defendant to produce the documents in his possession before the court and file the same along with his written statement. He must list out the documents which are in his possession or power as well as those which are not. In case the defendant does not file any document or copy

thereof along with his written statement, such a document shall not be allowed to be received in evidence on behalf of the defendant at the hearing of the suit. However, this will not apply to a document produced for cross-examination of the plaintiff's witnesses or handed over to a witness merely to refresh his memory. Sub-rule (3) states that a document which is not produced at the time of filing of the written statement, shall not be received in evidence except with the leave of the court. Rule 1(1) of Order 13 CPC again makes it mandatory for the parties to produce their original documents before settlement of issues.

8. Sub-rule (3), as quoted above, provides a second opportunity to the defendant to produce the documents which ought to have been produced in the court along with the written statement, with the leave of the court. The discretion conferred upon the court to grant such leave is to be exercised judiciously. While there is no straitjacket formula, this leave can be granted by the court on a good cause being shown by the defendant.

9. It is often said that procedure is the handmaid of justice. Procedural and technical hurdles shall not be allowed to come in the way of the court while doing substantial justice. If the procedural violation does not seriously cause prejudice to the adversary party, courts must lean towards doing substantial justice rather than relying upon procedural and technical violation. We should not forget the fact that litigation is nothing but a journey towards truth which is the foundation of justice and the court is required to take appropriate steps to thrash out the underlying truth in every dispute. Therefore, the court should take a lenient view when an application is made for production of the documents under sub-rule (3).

10. Coming to the present case, the defendants have filed an application assigning cogent reasons for not producing the documents along with the written statement. They have stated

> that these documents were missing and were only traced at a later stage. It cannot be disputed that these documents are necessary for arriving at a just decision in the suit. We are of the view that the courts below ought to have granted leave to produce these documents.
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> 11. Therefore, for the foregoing reasons, the appeal succeeds and it is accordingly allowed. The orders impugned herein are set aside. The application (IA No. 551 of 2018 in OS No. 257 of 2014) filed by the appellant-defendants before the Principal Sub-Judge, Pudukottai, is accordingly allowed. Parties to bear their own costs."

16. Since procedure is a handmaiden of justice and Sub-Rule (3) of Order VII Rule 14 CPC is couched in similar language as Sub-Rule (3) of Order VIII Rule 1-A CPC, the Court, in appropriate cases, can permit the parties to produce documents on record for the just and effective adjudication of the case. In the present case, the plaintiff/respondent admitted that the learned trial court had orally permitted him to place certain documents on record. To that extent, the defendants/petitioners had no objection. Their only objection was that the plaintiff/respondent had gone beyond the scope of the oral permission granted by the learned trial court and had placed certain additional documents on record, which were beyond the scope of even the said oral permission.

17. In the present case, the procedural violation does not entail any further consequence. Moreover, the production of the said documents would not cause any serious prejudice

to the rights of the defendants/petitioners, as it would always be open to them to rebut the documentary evidence by producing documentary evidence in their defense. Such rebuttal evidence may also be brought on record by the defendants/petitioners, in accordance with law. In view of the aforesaid, and keeping in mind the settled principle that procedure is a handmaiden of justice as laid down by the Hon'ble Supreme Court in the case of Sugandhi (supra) wherein in similar circumstances documents were permitted to be taken on record, this Court does not find any illegality or perversity in the impugned orders warranting interference. Accordingly, no ground for interference with the impugned orders is made out.

18. In view of the foregoing discussion, this Court does not find any merit in the submissions advanced on behalf of the defendants/petitioners. Accordingly, the present writ petition deserves to be dismissed.

19. The present writ petition is, thus, dismissed with the aforesaid observations.

(Siddhartha Sah, J.)
03.11.2026

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