



2025:CGHC:3533

AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WP(227) No. 62 of 2025**

- A.C.M. Enterprises Through Harshdeep Singh Juneja, S/o Late Mangat Singh Juneja, R/o Civil Lines, Raipur, Chhattisgarh.
--- **Petitioner**

Versus

1. Prakash Chand Baid S/o Lt. Bikhanchand Baid, R/o Sadar Bazar Raipur, Tahsil And District Raipur, Chhattisgarh.
2. M/s Agarchand Bhikhamchand Proprietorship Firm Through Proprietor Smt. Rajkumari Baid, W/o Prakash Chand Baid, Address In Front Of Jain Digambar Temple, Sadar Bazar Sahar, Tahsil And District Raipur Chhattisgarh.

2.1 - (A). Dushyant Baid S/o Prakash Chand Baid R/o In Front Of Jain Temple Sadar Bazar, Raipur, Tahsil And District Raipur, Chhattisgarh.

2.2 - (B). Smt. Ranju Bai D/o Prakash Chand Baid R/o In Front Of Jain Temple Sadar Bazar, Raipur, Tahsil And District Raipur, Chhattisgarh. Through Husband Nalin Golcha M.G. Skull Port Blair Andman

2.3 - (C). Smt. Anju Sangaoi W/o Himendra Sangaoi R/o In Front Of Jain Temple Sadar Bazar, Raipur, Tahsil And District Raipur, Chhattisgarh.

--- Respondents**And****WP(227) No. 75 of 2025**

- A.C.M. Enterprises Through Harshdeep Singh Juneja S/o Late Mangat Singh Juneja, R/o Civil Lines, Raipur Chhattisgarh
---**Petitioner**

Versus

1. Prakash Chand Baid S/o Lt. Bikhanchand Baid R/o Sadar Bazar Raipur Tahsil And District Raipur, Chhattisgarh (Surname Of P/1 Wrongly Mentioned In Order)
2. M/s Agarchand Bhikhamchand Proprietorship Firm Through Proprietor Smt. Rajkumari Baid W/o Prakash Chand Baid Address In Front Of Jain Digambar Temple, Sadar Bazar Sahar, Tahsil And District Raipur, Chhattisgarh
3. Dushyant Baid S/o Prakash Chand Baid R/o In Front Of Jain Temple, Sadar Bazar Raipur, Tahsil And District Raipur, Chhattisgarh



4. Smt. Ranju Baid D/o Prakash Chand Baid R/o In Front Of Jain Temple, Sadar Bazar Raipur, Tahsil And District Raipur, Chhattisgarh Through Husband Nalin Golcha M.G. Skull Port Blair Andman
5. Smt. Anju Sangaoi W/o Himendra Sangaoi R/o In Front Of Jain Temple, Sadar Bazar Raipur, Tahsil And District Raipur, Chhattisgarh

--- Respondents

For Petitioners : Mr. Arvind Shrivastava, Advocate along with
Mr. Anumeh Shrivastava, Advocate

For Respondent(s) : None

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

21/01/2025

1. These two petitions have been filed under Article 227 of the Constitution of India challenging therein the order dated 06.01.2025, whereby the applications moved by the plaintiff under Order 7 Rule 14(3) and Order 18 Rule 17 have been rejected vide order dated 06.01.2025.
2. The facts of the present case are as under:-

The petitioner/plaintiff, a registered partnership firm, instituted a civil suit on 29.09.2014 through its authorized partner Harshdeep Juneja against the respondents/defendants for specific performance of contract. The defendants filed their written statement. The learned trial Court framed issues. The plaintiff closed its evidence on 03.02.2016. Defendant No. 1- Prakash Chand Baid was examined and cross-examined on 09.12.2024.

The counsel for the plaintiff put a question with regard to the agreement dated 10.10.2013, whereby he had entered into another agreement for the same suit land with one Amit Choudhary. An objection was taken by the counsel for defendant No.1 on such



question and that was sustained. The plaintiff moved an application under the Right to Information Act, 2005 before the concerned police station and procured the certified copy of the agreement dated 10.10.2013 on 19.12.2024.

Thereafter, the plaintiff moved an application under Order 18 Rule 17 of CPC to recall the defendants' witness. The plaintiff moved another application under Order 7 Rule 14(3) of CPC along with a copy of the agreement dated 10.10.2013.

The learned trial Court vide order dated 06.01.2025 rejected the application moved under Order 7 Rule 14(3) of CPC on the ground that the plaintiff has not pleaded as to how and why the agreement dated 10.10.2013 is relevant for just adjudication of the case. The learned trial Court imposed a cost of Rs.1,000/-. On the same date, the learned trial court rejected the application moved under Order 18 Rule 17 of CPC on the ground that the application moved under Order 7 Rule 14(3) of CPC had already been rejected. Therefore, there is no occasion to recall the witness.

3. Mr. Arvind Shrivastava, learned counsel appearing for the petitioner would submit that on 11.11.2024 when defendant No. 1- Prakash Chand Baid was examined and cross-examined, the agreement dated 10.10.2013 was not available on record. He would further submit that the plaintiff obtained the document under the Right to Information Act and the same is relevant for the just adjudication of the case. He would also submit that an application under Order 18 Rule 17 of CPC was also moved to recall the witness so that the plaintiff may put a question relating to the agreement dated 10.10.2013. He would contend that for substantial justice, the learned trial Court ought to



have allowed the applications moved by the plaintiff. In support of his arguments, he placed reliance on the judgment passed by the High Court of Madhya Pradesh in the matter of ***Punit Agrawal Vs. Muralilal and Others, 2020 (3) M.P.L.J. 368***; the order passed by the High Court of Andhra Pradesh at Amaravati in the matter of ***Velugu Eswaramma and Another Vs. Velugu Shoba Rani, 2019 SCC OnLine AP 14*** and the judgment passed by the coordinate bench of this Court in ***F.A. No 145 of 2005, Harnarayan Sharma Vs. Paras Vaid, dated 07/07/2015***.

4. I have heard learned counsel for the parties and perused the documents.
5. In both cases, the plaintiff has not annexed a copy of the plaint. The civil suit filed by the plaintiff was registered as Civil Suit No. 168A/14, therefore, it can be presumed that it was filed in the year 2014. During the course of the argument, it was informed by the learned counsel for the petitioner that on 20.01.2025 the matter was fixed for final arguments before the learned trial Court.
6. From a perusal of the pleadings made in the petitions, it appears that a civil suit for the specific performance of contract was filed by the petitioner/plaintiff. Thereafter, the written statements were filed by the defendants. The plaintiff's evidence was closed on 03.02.2016. After 08 years, DW-1 Prakash Chand Baid was examined as defendant witness No. 1 on 11.11.2024. In the cross-examination, this witness denied the fact that any agreement was executed relating to the suit property between this witness and Amit Choudhary on 10.10.2013. In para-31, this witness stated that the agreement dated 10.10.2013 was not a part of the charge sheet and the fact is false. The evidence of



DW-1 was closed on that very date. On 06.01.2025, the petitioner moved an application under Order 7 Rule 14(3) of CPC on the ground that a copy of the agreement has been obtained under the Right to Information Act from the police station and the same is necessary for the just decision of the case. Another application was moved to recall DW-1 for cross-examination.

7. Order 7 Rule 14(3) of CPC reads as under:-

“Order 7 – Plaintiff:

Rule 14. Production of document on which plaintiff sues or relies.--(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.”*

8. A bare reading of this provision would make it clear that the documents upon which the plaintiff relies ought to be produced by the plaintiff along with the plaint, but if the same is not produced, it shall not be receivable in evidence without the leave of the Court.
9. Order 18 Rule 17 of CPC states that the Court may recall and examine witnesses. It reads thus:-

“Order 18 – Hearing of the suit and examination of witnesses:

Rule 17. Court may recall and examine witness.-- *The Court may at any stage of a suit recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to him as the Court thinks fit.”*

10. In the matter of **Harnarayan Sharma (supra)**, the coordinate bench of this Court held that Order 7 Rule 14 of CPC essentially assists the parties as well as the Court in the matter of production of the



documentary evidence of the plaintiff while adjudicating the dispute raised before the Court and it should not be denied on the ground that the plaintiff had failed to enter the same in the list annexed to the plaint. Para- 11 is reproduced herein below:-

“11. It can not be forgotten that the provision comprised under O. VII, R. 14 of the Code relates to the procedure to be followed in the civil proceedings before the Court. The said provision is essentially to assist the parties as well as the Court in the matter of production of the documentary evidence of the plaintiff while adjudicating the dispute raised before the Court. Being so, it is essentially to assist the parties and the Court to arrive at an appropriate decision on the matter in dispute. Being so, the provisions in that regard is necessarily to be construed liberally, and no pedantic approach should be adopted while enforcing the said provision of law. The documentary evidence which is not disputed to be relevant and material for the just and appropriate decision in the matter, merely because the plaintiff had failed to enter the same in the list annexed to the plaint, could not be ignored, unless it is felt that there would be real prejudice would be caused to the defendant on account of the plaintiff being allowed to produce such documents. A document, which pertains to the matter in issue can not be said to cause prejudice to either of the parties, merely because there is some delay in production of such document. There would be ample opportunity to the defendant to meet those documents in the course of recording of evidence including the cross-examination of the witness.”

11. In the matter of **Punit Agrawal (supra)**, the High Court of Madhya Pradesh held that when the Court comes to a conclusion that the application under Order 7 Rule 14(3) of CPC has been moved to delay the trial, appropriate cost may be imposed instead of outright denial. It is also held that to unearth the truth which is the ultimate object to be achieved in every trial, the application would not be rejected. It is further held that the admissibility, reliability and registrability of a



document may be considered independently only at the time of hearing of the trial and not prior thereto. Paras-12 and 13 are reproduced herein below:-

“12. A coordinate Bench of this Court in the case of Chandan Singh (Dead) L.Rs. Kanchan Bai and others vs. Deewan Singh and others, 2014 MPLJ Online 47 passed in Writ Petition No. 1111/2008 by order dated 25-7-2014, has held as under :-

“8. The denial of prayer for production of documents is justified only when the Court can objectively sense oblique motive of the plaintiff to delay the trial. The Court can very well impose appropriate cost on erring party instead of outright denial. If this course is adopted then the trial Court will have better material to discover the truth which is the ultimate object to be achieved in very trial.

The trial Court while rejecting the application under Order 7, Rule 14(3), Civil Procedure Code has neither recorded that any prejudice shall visit the defendants if the document sought to be produced by the plaintiff are taken on record, nor any cogent findings have been recorded that the suit is being unnecessarily delayed to the extent that denial of application under Order 7, Rule 14(3) is unavoidable.

9. The trial in question was at the stage where recording of plaintiff's evidence was yet to commence. Thus, at this early stage there was no justified reason for the Court to deny the application under Order 7, Rule 14(3), Civil Procedure Code.

10. In view of the above, this Court is of the considered view that while passing the impugned order, the Court below has failed to exercise jurisdiction vested in it under Order 7, Rule 14(3), Civil Procedure Code in a proper and justified manner.”

The Supreme Court in the case of K. Mallesh vs. K. Narendra and others, reported in 2016(3) M.P.L.J. (S.C.) 67 = (2016) 1 SCC 670 has held as under :-

“2. In our opinion the High Court should not have interfered at the stage when the trial was still in



progress. Therefore, we set aside the impugned order passed by the High Court without going into the merits of the case. We say that the admissibility, reliability and registrability of the documents shall be considered independently only at the time of hearing of the trial and not prior thereto. All questions with regard to the aforesaid issues shall remain open.”

13. *In the present case, the Court below has not rejected the application under Order 7, Rule 14 of Civil Procedure Code on the ground that the same has been filed with oblique motive to delay the trial. The application has been rejected only on the ground of admissibility of documents. In the considered opinion of this Court, the admissibility of documents can be considered at the time when those documents are tendered in evidence.”*

12. With regard to Order 18 Rule 17 of CPC, the High Court of Andhra Pradesh in the matter of **Velugu Eswaramma (supra)**, in paras- 10 and 11 as under:-

“10. *The conclusions that are to be drawn from these five judgments, which were cited across the bar are--*

(1) *that although Order 18, Rule 17A of Code of Civil Procedure has been deleted, it does not mean that there is no power at all in the Court to recall a witness for cross-examination.*

(2) *The inherent power that is available in the Court under Section 151 of Code of Civil Procedure can be called into aid by a party for the purpose of recalling a witness.*

(3) *Since the power is being exercised under Section 151 of Code of Civil Procedure the Court should be very careful and circumspect in recalling the witness only when it is absolutely necessary. Since there is no provision in the Court covering the matter, the findings of the Hon’ble Supreme Court of India in para 12 of the judgment in K.K. Velusamy (2011 AIR SCW 2296) (supra) are clear.*

(4) *That the application for recalling a witness should be drafted with care and caution and the principles analogous to Order 47, Code of Civil*



Procedure should be applied for the purpose of recalling the witness.

11. The principles that can be deduced are that a person has discovered a new and important matter or evidence which despite the due diligence was not within his knowledge when the examination was done or the cross-examination was carried out and which could not be produced earlier or there is a mistake or error apparent on the face of the record or any other sufficient reason. In view of the language in Order 47 of Code of Civil Procedure, the principle of ejusdem generic rule applies and the words 'sufficient reason' should be interpreted in the like manner. These are general examples being given and this is not an exhaustive list of reasons."

13. In the present case, a civil suit was filed in the year 2014 and defendant No. 1 was examined and cross-examined on 11.11.2024. On that date also no opportunity was sought by the plaintiff to cross-examine defendant No. 1 again. As informed by the learned counsel for the petitioner, the defendants' evidence was closed and the case was fixed for final arguments on 20.01.2025, whereas the applications under Order 7 Rule 14(3) and under Order 18 Rule 17 of CPC were rejected on 06.01.2025. The petitioner/plaintiff filed these petitions on 15.01.2025 and 16.01.2025, respectively.
14. A perusal of the application moved under Order 7 Rule 14(3) of CPC would make it clear that the petitioner has not stated how and why the agreement dated 10.10.2013 is relevant for the just adjudication of the case. Mere asking for the production of a document can not and should not be accepted by the Court. The plaintiff ought to have pleaded the relevancy of the document in the application. The learned trial Court rejected the application on the ground that the plaintiff has not pleaded relevancy of that document in his application and no



affidavit was filed in support thereof.

15. With regard to the application under Order 18 Rule 17 of CPC, the petitioner/plaintiff wanted to re-examine the witness DW-1 to confront him with the agreement dated 10.10.2013. As the application moved under Order 7 Rule 14(3) of CPC was rejected by the trial Court, therefore, that application was also rejected. The plaintiff in the application has not pleaded as to how the agreement dated 10.10.2013 is crucial for the just adjudication of the case and there is a nexus between that document and the matter pending consideration.
16. In the matter of ***Punit Agrawal (supra)*** and ***Harnarayan Sharma (supra)***, the issue of relevancy of the document has not been considered and in the cited cases, the applications were not moved at the fag end of the trial, therefore, the facts of the present case are distinguishable from the facts of the cited cases.
17. In the matter of ***Velugu Eswaramma (supra)***, it is also held that the power under Section 151 of CPC or Order 18 Rule 17 of CPC is not intended to be used routinely, merely for asking. If so used, it will defeat the very purpose of various amendments to the Code to expedite the trial. Therefore, the judgment cited by the petitioner is of no help.
18. In the matter of ***Ashok Choudhary vs. Gwalior Dairy Ltd. and others***, reported in ***2017 SCC OnLine MP 1955***, the High Court of Madhya Pradesh while dealing with a similar issue of Order 7 Rule 14(3) of CPC in para- 8 held as under:-

“As far as application under Order 7, Rule 14(3), Civil Procedure Code is concerned, same has been partially rejected in respect of those documents which was not readable namely certified copies of the statements of Chandrakant,



Suresh, Anand and Prakash. Similarly application which was filed for mutation and certified copy of Khasra panchshala. It was always open to the petitioner to have obtained readable copies of the documents and to produce them before the trial Court. Since the plaintiff has failed to discharge this burden and this Court has already held that provisions under Order 7, Rule 14(3), Civil Procedure Code is not a hollow formality but the rule of the Court is essential, therefore, the Court was very much within its right to exercise his discretion in refusing such leave on the ground that such documents were not readable. No explanation has been given as to why legible copies could not be produced and what prevented the plaintiff from filing it earlier at the time of filing of this suit and why such documents were not mentioned in the list to be produced under the provisions of Order 7, Rule 14(2), Civil Procedure Code. Therefore, in absence of such documents being entered into in terms of the provisions contained in Order 7, Rule 14(1) or Order 7, Rule 14 (2), the Court was required to exercise its jurisdiction and discretion while granting leave. This Court is of the opinion that leave could not have been granted for admitting illegible documents and therefore that has been rightly discarded.”

19. In the matter of ***Bhaiyalal & Others vs. Ramswaroop & Others***, reported in ***2013 SCC OnLine MP 3821***, the Madhya Pradesh High Court has observed in paras- 4, 5 and 6 are reproduced herein below:-

4. *It is further evident that when the application under Order 7 Rule 14 of CPC was filed, the suit had reached the stage of cross-examination of plaintiff. The request was, thus, made during the progress of the trial, which falls within Clause (3) of Rule 14 of Order 7 of CPC, which provides that documents, which are not presented alongwith the plaint at the time of institution of the suit, shall not be allowed to be produced or entered in evidence without the leave of the Court. Thus, the provisions of Clause (3) of Rule 14 of Order 7 of CPC do not permit liberal interpretation. Thus, exceptional circumstances have to be demonstrated by the plaintiff during the progress of the suit to bring any additional documents or record, which have not been filed alongwith the plaint.*



5. A perusal of the application under Order 7 Rule 14 of CPC dated 31.08.2012 preferred by the plaintiff does not indicate any such exceptional circumstances except that the said documents shall assist the plaintiff to establish his case.

6. In view of the above, no jurisdictional fault can be found in the findings of the trial Court contained in the impugned order and, therefore this Court refrains itself from interfering in its limited supervisory jurisdiction under Article 227 of the Constitution of India.”

20. While considering an application moved under Order 7 Rule 14 of CPC, the Court should consider the stage of trial, exceptional circumstances indicated in application and relevancy of documents. In the present case, an application moved under Order 7 Rule 14 of CPC, the petitioner has not stated as to how and why the documents are relevant. Further the application does not indicate any exceptional circumstances except that the documents are necessary for just decision of the case. It is well settled principles of law that the provisions under Order 7 Rule 14(3) of CPC are not hollow formality but the rule of the Court is essential.
21. Taking into consideration the law laid down by the High Court of Madhya Pradesh in the matter of **Ashok Choudhary (supra)** and **Bhaiyalal (supra)** the facts of the present cases, the reasons assigned by the learned trial Court and the stage of the trial, in the opinion of this Court, no case is made out for interference.
22. Consequently, both petitions fail and are hereby **dismissed**. No costs.

Sd/-
(Rakesh Mohan Pandey)
Judge



Head Note

Application filed under Order 7 Rule 14 CPC should be allowed if application indicates exceptional circumstances as it is not a hollow formality.

सिविल प्रक्रिया संहिता के आदेश 7 नियम 14 के तहत दायर आवेदन को तभी स्वीकार किया जाना चाहिए यदि आवेदन असाधारण परिस्थितियों को दर्शित करता है, क्योंकि यह एक औपचारिकता मात्र नहीं है ।