

THE HIGH COURT OF MADHYA PRADESH

WP-16724-2011

(VASUDEO Vs BHAGIRATH)

Jabalpur, Dated : 30-11-2017

Shri K.S.Rajput, Advocate for petitioners in WP No.16724/11.

Shri Sanjay Sarwate, Advocate for petitioners in WP No.21873/11.

Shri Girish Kekre, Government Advocate for respondent/State.

Heard.

As the common question is involved, therefore, this order shall govern the disposal of WP No.16724/11 & WP No.21873/11.

Being aggrieved by the order dated 25.8.2011 passed by IV Civil Judge Class-II, Khandwa in Civil Suit No.81A/2009 rejecting the application filed by the defendants under Order VII Rule 14 of the Code of Civil Procedure (hereinafter shall be referred to as â€œC.P.Câ€) for taking the documents on record, Writ Petition No.16724/2011 has been filed by the petitioners/defendants under Article 227 of the Constitution of India.

Being aggrieved by the order dated 25.8.2011 passed by IV Civil Judge Class-II, Khandwa in Civil Suit No.81A/2009 rejecting the application filed by the plaintiffs under Order VII Rule 14 of the Code of Civil Procedure (hereinafter shall be referred to as â€œC.P.Câ€) for taking the documents on record, Writ Petition No.21873/2011 has been filed by the petitioners/plaintiffs under Article 227 of the Constitution of India.

On perusal of the record, it is apparent that the applications under Order VI Rule 14 of the C.P.C filed by the plaintiffs and defendants for taking the documents on record have been rejected by the Trial Court by the impugned order dated 25.8.2011 on the pretext that those documents have not been filed well within time. Looking to the fact that there is a stay prevalent since 2012 because of which the trial is held up, in my considered opinion, if both the parties have filed applications for taking the documents on record and the

documents are necessary for proper adjudication of the real controversy involved in the suit then those documents ought to be taken on record subject to compensating the other side but as in the present cases both the parties have filed applications for taking the documents on record, therefore, such question does not arise.

In view of the aforesaid, the impugned order dated 25.8.2011 passed by IV Civil Judge Class-II, Khandwa in Civil Suit No.81A/2009 is hereby set aside. The applications under Order VII Rule 14 of the C.P.C filed by the plaintiffs and defendants are allowed. The documents filed them are taken on record. All the legal issues can be addressed by both the parties at the time of exhibiting of those documents.

With the aforesaid observations, Writ Petition No.16724/2011 & Writ Petition No.21873/2011 stand disposed of.

(J.K. MAHESHWARI)
JUDGE

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