

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 24th OF APRIL, 2024

MISC. PETITION No. 1798 of 2024

BETWEEN:-

1. PRABHAT SINGH S/O LATE JAGANNATH SINGH, AGED ABOUT 51 YEARS, R/O BEHIND HANUMAN TEMPLE, SIDHI COLONY, DIXITPURA, POLICE STATION KOTWALI, DISTRICT JABALPUR (MADHYA PRADESH)
2. AJAY SINGH S/O LATE JAGANNATH SINGH, AGED ABOUT 42 YEARS, R/O 1263, INFRONT OF SAMDARIYA COMPLEX, CHERITAL WARD, POLICE STATION KOTWALI, DISTRICT JABALPUR (MADHYA PRADESH)
3. RAJESH SINGH S/O LATE JAGANNATH SINGH, AGED ABOUT 40 YEARS, R/O BEHIND HANUMAN TEMPLE, SIDHI COLONY, DIXITPURA, POLICE STATION KOTWALI, DISTRICT JABALPUR (MADHYA PRADESH)

....PETITIONERS

(BY SHRI DINESH UPADHYAY - ADVOCATE)

AND

1. RATAN SINGH S/O LATE SHRI PHOOL SINGH RAJPUT, AGED ABOUT 69 YEARS, R/O H. NO. 1264, INFRONT OF SAMDARIYA COMPLEX, CHERITAL WARD, POLICE STATION KOTWALI, DISTRICT JABALPUR (MADHYA PRADESH)
2. HANUMANT SINGH RAJPUT S/O LATE SHRI PHOOL SINGH RAJPUT, AGED ABOUT 68 YEARS, H.NO. 1263, IN FRONT OF SAMDARIYA COMPLEX, CHERITAL WARD, POLICE STATION KOTWALI, DISTRICT JABALPUR (MADHYA PRADESH)

....RESPONDENTS

(SHRI RAJ KUMAR SONI - ADVOCATE FOR RESPONDENT NO.1)

.....

This petition coming on for admission this day, the court passed the following:

ORDER

This application under Article 227 of Constitution of India has been filed against order dated 21.03.2024 passed by 21st Civil Judge Class-1, Jabalpur in RCSA No.189/2022 by which application filed by plaintiff/respondent No.1 under Order 7 Rule 14(3) of C.P.C. has been allowed.

2. It is submitted by counsel for petitioners that respondent No.1/plaintiff had filed an application under Order 7 Rule 14(3) of C.P.C. after the closure of his evidence and there is no pleading in respect of documents also therefore, Court below should not have allowed the said application.

3. *Per contra*, it is submitted by counsel for plaintiff/respondent No.1 that petitioners/defendants Nos.1 to 3 filed certain documents after evidence of plaintiff/respondent No.1 was over and the said application was allowed by Trial Court by order dated 29.02.2024 by holding that documents which have been filed by petitioners/defendants Nos.1 to 3 under Order 8 Rule 1-A(3) of C.P.C. are relevant documents. Thus, it is submitted that plaintiff/respondent No.1 was compelled to file documents in rebuttal of the documents which were filed by defendants Nos.1 to 3.

4. Considered the submissions made by counsel for parties.

5. It appears that parties are filing their documents as per their own wishes. However, one thing is clear that after the evidence of plaintiff was over, defendants came up with certain documents.

6. Under these circumstances, it is in the fitness of things that plaintiff should also get an opportunity to file documents in rebuttal because documents must have been filed before framing of issues and if Trial Court had granted

liberty to defendants to file additional documents after the evidence of plaintiff was over, then this Court should not reject the application filed under Order 7 Rule 14(3) of C.P.C. thereby restraining the plaintiff to file the documents because it is well established principle of law that no one should suffer loss on account of any act of the Court.

7. Under these circumstances, this Court is of considered opinion that Trial Court did not commit any mistake by allowing the application filed by plaintiff/respondent No.1 under Order 7 Rule 14(3) of C.P.C.

8. As no jurisdictional error was committed, accordingly, the petition fails and is hereby **dismissed**.

vc



(G.S. AHLUWALIA)
JUDGE