

(2013) 12 RAJ CK 0011
In the Rajasthan High Court
Case No : Civil Writ Petition No. 9383/2009

Ramita

APPELLANT

Vs

Ajay Prakash Jalandhara

RESPONDENT

Date of Decision : 05-12-2013

Acts Referred:

Citation : (2014) 2 WLN 278

Hon'ble Judges : Arun Kumar Mishra, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Arun Bhansali, J.—This writ petition is directed against the order dt. 03.07.2009 passed by the District Judge, Sriganganagar, whereby the application filed by the respondent under Order VII, Rule 14(3) CPC read with Section 151 CPC has been allowed and the respondent has been permitted to produce a compact disc, cassettes and transcription of the contents of the said Compact Disc/Cassettes. It is submitted by learned counsel for the petitioner that the trial Court without examining the admissibility of the said documents has permitted the production of the said documents and by the impugned order has observed that the truth about the contents of the documents would be examined at a later stage, which is clearly contrary to the settled position of law; the respondent has failed to point out any reasonable cause for the delay in production of the said documents when admittedly the same were available even before filing of the suit and therefore, the same could not have been permitted to be taken on record; and in any case the learned trial Court should have imposed heavy cost on the respondent, if the documents were to be allowed to be produced.

2. Learned counsel for the respondent supported the order impugned and submitted that the admissibility of the documents cannot be examined at the stage of Order VII, Rule 14 CPC and the writ petition deserves to be dismissed.

3. I have considered the rival submissions.

4. The respondent had filed an application under Order VII, Rule 14(3) CPC giving out the reasons for delayed production of a Compact Disc, Cassettes and the transcript containing the alleged conversation between the parties. Several issues, which are sought to be argued by learned counsel for the petitioner relates to the admissibility of the said documents, the stage whereof is yet to arrive. At the stage of production of documents under Order VII, Rule 14(3) CPC, the admissibility of the documents if same can be deciphered on the face of the document may be a consideration, but the same cannot be examined if admissibility is based on future course of the parties and the litigation. Once the trial Court has exercise its jurisdiction under Order VII, Rule 14(3) CPC, no case for interference in this regard is made out. However, the observation of the trial Court that the truth of the contents of the documents would be examined at the later stage appears to be not appropriate and in fact, the trial Court should have left the issue relating to "admissibility" of the said documents at the later stage as the truth or otherwise of the said conversation would come later on, once the said documents are held to be admissible during the course of evidence or otherwise.

5. So far as the issue relating to imposition of cost is concerned, the suit was filed on 07.11.2005 and the application placing the said documents on record has been filed on 10.01.2007 with the averments that the conversation took place two months prior to filing of the suit, therefore, the application was apparently delayed. The petitioner deserves to be compensated with costs for the said delay caused by the respondent. In the facts and circumstances of the case, the respondent to pay a cost of Rs. 2,500/- to the petitioner.

6. Consequently, the writ petition is disposed of. The order impugned taking on record the documents produced by the respondent is not interfered with; it would be open for the petitioner to raise objections about admissibility of the said documents at appropriate stage and the respondent would pay a cost of Rs. 2,500/- to the petitioner before further proceedings in the suit. The stay application also stands dismissed.