



2026:DHC:5755



\$~52

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 20.07.2026

+ CM(M) 1515/2026, CM APPL. 45029/2026 (Stay) & CM APPL. 45030/2026 (Ex.)

RAHUL BASOYA

.....Petitioner

Through: Ms. Neha Jain, Ms. Aditi Chaudhary and Ms. Vaidhi Chaudhary, Advocates.

versus

RITU BHARGARH

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

%

JUDGEMENT (Oral)

1. The present Petition has been filed under Article 227 of the **Constitution of India, 1950¹**, seeking to assail the **Order dated 11.07.2026²** passed by the **learned Judge, Family Court, North-West District, Rohini Courts, Delhi³**, in HMA No. 1777/2023 titled "*Rahul Basoya v. Ritu Bhargarh*".

2. Learned counsel appearing on behalf of the Petitioner submits that while the learned Family Court rejected the Respondent's Application seeking permission to file a sur-rejoinder on the ground that the Respondent had failed to identify any new pleadings introduced by the Petitioner in the Replication, it nevertheless

¹ Constitution of India

² Impugned Order

³ Family Court



2026:DHC:5755



proceeded to direct that the documents filed along with the Replication be taken off the record.

3. She also submits that despite no such relief having been sought by the Respondent in the Application, the learned Family Court travelled beyond the scope of the controversy before it.

4. She further submits that the Replication along with the accompanying documents had already been taken on record on 12.05.2026, whereafter issues were framed and the matter was referred for recording of evidence.

5. It is contended that, having accepted the Replication and the accompanying documents on record, the learned Family Court could not subsequently direct that the said documents be taken off the record.

6. This Court has heard the learned counsel appearing on behalf of the Petitioner and has perused the material on record, including the Impugned Order. The relevant paragraphs of the Impugned Order are extracted hereinbelow:

“11. Now coming back to the application under consideration of the respondent seeking permission to file sur-rejoinder, a careful perusal of the application shows that the respondent has not detailed out the new averments in the replication as alleged by him. Thus, the court has no opportunity to see as to what were the original pleadings in the plaint and what are the new averments in the replication. At the costs of repetition, it can be said that the plaintiff is always at the liberty to explain the averments in the written statement but in no case he can be allowed to introduce new fact altogether. Therefore, since the respondent has failed to aver in the application as to what new facts have been introduced in the application, therefore the prayer of the respondent to file a sur-rejoinder thereto stands declined.

12. Another prayer of the respondent is that the petitioner has filed certain documents along with the replication without seeking permission of Court and those documents cannot be taken on record. I have already discussed the provision of order



7 rule 14 (3) CPC. The documents can be filed by the petitioner only along with the petition and thereafter only with the permission of the Court. Since certain documents have been filed along with the replication without the permission of the Court, accordingly, those documents cannot be allowed to form part of the record. Thus, those documents filed by the petitioner along with the replication are taken off the record. Resultantly, the petitioner shall not be allowed to prove the said documents on the record. The petitioner has already partly examined-in-chief himself as PW1. If he has proved the documents filed along with the replication, the respondent need not cross examine him on those documents. The application stands disposed of accordingly.”

7. A perusal of the Impugned Order demonstrates that the learned Family Court, while declining the Respondent's prayer seeking leave to file a sur-rejoinder on the ground that no specific new pleadings had been identified, independently considered the maintainability of the documents filed along with the Replication.

8. Therefore, while considering the issue relating to the documents filed along with the Replication, the learned Family Court interpreted the provisions of Order VII Rule 14(3) of the **Code of Civil Procedure, 1908**⁴, and came to the conclusion that, in the absence of leave of the Court, the documents filed along with the Replication could not be permitted to remain on record. Order VII Rule 14(3) of the CPC reads as under:

“Rule 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.

(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.

⁴ CPC



(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.

(4) Nothing in this rule shall apply to document produced for the cross examination of the plaintiffs witnesses, or handed over to a witness merely to refresh his memory.”

9. A plain reading of Order VII Rule 14(3) CPC leaves no manner of doubt that where a plaintiff seeks to rely upon documents which were not produced along with the plaint, such documents cannot be received in evidence except with the leave of the Court. The provision, therefore, creates a statutory embargo against placing additional documents on record unless the leave of the Court is first obtained. The said principle has also been reiterated by the Coordinate Bench of this Court in ***Polyflor Limited v. A. Goenka & Ors.***⁵.

10. In the present case, admittedly, no application seeking leave under Order VII Rule 14(3) of the CPC was ever filed by the Petitioner before placing the additional documents on record along with the Replication and in the absence of compliance with the statutory requirement, the learned Family Court cannot be faulted for holding that the said documents could not continue to remain on record.

11. The mere fact that the Replication had earlier been taken on record or that issues had thereafter been framed would not dilute the statutory mandate contained in Order VII Rule 14(3) of the CPC.

12. Similarly, the absence of a specific prayer by the Respondent seeking removal of the documents would not denude the learned Family Court of its jurisdiction to examine whether documents placed

⁵ 2016:DHC:2990



2026:DHC:5755



on record contrary to the statutory procedure could be permitted to remain on the record.

13. This Court is, therefore, of the considered view that the learned Family Court has exercised the jurisdiction vested in it in accordance with law and no jurisdictional error, patent illegality or perversity warranting interference in the exercise of supervisory jurisdiction under Article 227 of the Constitution of India is made out in the present Petition.

14. Accordingly, the present Petition, along with all pending Application(s), if any, stands dismissed in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.

JULY 20, 2026/nd/jk