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

Reserved on: 06th May, 2026
Date of Decision: 13th May, 2026

+ **CM(M) 4175/2024 & CM APPL. 75736/2024**

MR. VINOD BHATIA & ANR.

.....Petitioners

Through: Mr. Ashok Kumar Singh, Sr.
Advocate with Mr. Rajiv Singh
Chauhan, Mr. Rajat Joshi, Ms. Eesha
Garg and Ms. Saloni Singh,
Advocates.

versus

PUNJAB AND SINDH BANK & ANR.

.....Respondents

Through: Ms. Seema Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed by the petitioners under Article 227 of the Constitution of India, 1950, assailing the order dated 25th October, 2024 passed by the learned District Judge-08, Central District, Tis Hazari Courts, Delhi in CS No. CS DJ/20095/2016, whereby the application filed by the petitioners under Order VII Rule 14(3) read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as "CPC") seeking permission to place additional documents on record has been dismissed.
3. I have heard the learned Counsel for the parties and perused the record.
4. Learned Senior Counsel for the petitioners has argued that the learned



Trial Court has passed the impugned order on the basis of surmises and conjectures, which is against the facts and law. The documents sought to be placed on record are material and necessary for the just adjudication of the case. The said documents are genuine in nature and pertain to letters and notices which are dispatched to the respondents through postal receipts and the respondents are in possession of these documents. It is further argued that the documents could not be filed earlier as the originals were filed before the Debt Recovery Tribunal (DRT) in an appeal bearing O.A. No. 34/2002 filed by the respondent. The photocopies of the said documents had earlier been handed over to the previous Counsel for the petitioners, who inadvertently failed to place the same on record. The omission came to light only at the stage of evidence, and thereafter certified copies were obtained and the present application has been filed to place the documents on record without any undue delay.

5. *Per contra*, learned Counsel for the respondents has argued that the learned Trial Court has passed the impugned order after due consideration of the material on record. The said alleged documents were always within the knowledge and possession of the petitioners at the time of filing of the plaint and no sufficient cause has been shown for not filing the same along with the plaint. It is further argued that the application has been filed at a belated stage, when the matter was already fixed for petitioner's evidence. Accordingly, it is prayed that the present petition be dismissed as it is without any merits.

6. It would be apposite to refer to the provisions of Order VII Rule 14(3) CPC, which reads as under:

“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 but is not so 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.”

7. In *Sugandhi (Dead) by LRs & Anr. vs P. Rajkumar*, (2020) 10 SCC 706, the Hon’ble Supreme Court has observed as follows:

“9. It is often said that procedure is the handmaid of justice. Procedural and technical hurdles shall not be allowed to come in the way of the court while doing substantial justice. If the procedural violation does not seriously cause prejudice to the adversary party, courts must lean towards doing substantial justice rather than relying upon procedural and technical violation. We should not forget the fact that litigation is nothing but a journey towards truth which is the foundation of justice and the court is required to take appropriate steps to thrash out the underlying truth in every dispute. Therefore, the court should take a lenient view when an application is made for production of the documents under sub-rule (3).

10. Coming to the present case, the defendants have filed an application assigning cogent reasons for not producing the documents along with the written statement. They have stated that these documents were missing and were only traced at a later stage. It cannot be disputed that these documents are necessary for arriving at a just decision in the suit. We are of the view that the courts below ought to have granted leave to produce these documents.”

8. In the present case, the application has been filed at the stage when the matter was fixed for the petitioners’ evidence. The documents sought to be brought on record are copies of letters, notices, postal receipts and AD cards,



which are stated to have been sent to the respondents. The originals of these documents were filed before the Debt Recovery Tribunal in O.A. No. 34/2002 and, therefore, the respondents cannot be said to be unaware of the said documents. The delay in producing these documents was stated to be on account of the conduct of the previous Counsel, who failed to place the documents on record, despite copies of the documents having been supplied to him by the petitioner.

9. After thoughtful consideration, this Court is of the opinion that it is in the interest of justice, if the documents sought to be relied upon by the petitioners are taken on record, subject to payment of costs to the respondent. Accordingly, the impugned order dated 25th October, 2024 is set aside. The application filed by the petitioners under Order VII Rule 14(3) read with Section 151 CPC is allowed and the documents mentioned therein be brought on record, subject to payment of costs of Rs. 5,000/- to the respondents. The petition is disposed of in the aforesaid terms. Pending application(s), if any, also stand disposed of.

**RAJNEESH KUMAR GUPTA
JUDGE**

MAY 13, 2026/TP