



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4707/2025

1. LRs of Avatar Singh S/o Ajay Pal Singh-
- 1/1. Smt. Saroj W/o Late Avatar Singh, Aged About 67 Years, Ward No.3, Ratangarh, District Churu (Rajasthan).
- 1/2. Deepanshu Rawat S/o Late Avatar Singh, Aged About 42 Years, Ward No.3, Ratangarh, District Churu (Rajasthan).
- 1/3. Gajanshu Rawat S/o Late Avatar Singh, Aged About 42 Years, Ward No.3, Ratangarh, District Churu (Rajasthan).
2. Satya Narayan S/o Rukma Nana Swami, Aged About 62 Years, Ward No.4, Ratangarh, District Churu (Rajasthan).
3. Radhey Shyam S/o Kheta Ram Mali, Aged About 1 Years, Ward No.3, Ratangarh, District Churu (Rajasthan). (Since Died)

----Petitioners

Versus

1. LRs of Gajanand S/o Murlidhar Sharma-
- 1/1. Smt. Chanda Devi W/o Late Gajanand Sharma, Village Bachrara, Tehsil Ratangarh, District Churu (Rajasthan).
- 1/2. Ram Ratan S/o Late Gajanand Sharma, Village Bachrara, Tehsil Ratangarh, District Churu (Rajasthan).
- 1/3. Lal Chand S/o Late Gajanand Sharma, Village Bachrara, Tehsil Ratangarh, District Churu (Rajasthan).
- 1/4. Smt. Punam Devi D/o Late Gajanand Sharma, Village Bachrara, Tehsil Ratangarh, District Churu (Rajasthan).
- 1/5. Smt. Savitri D/o Late Gajanand Sharma, Village Bachrara, Tehsil Ratangarh, District Churu (Rajasthan).
2. Municipal Board Ratangarh, Through Its Chairman.
3. Vikram Singh S/o Shri Bhawani Singh, Resident Of Ward No. 3, Ratangarh, District Churu (Left From The Arrey Of Plaintiff On 01.10.2011).

----Respondents

For Petitioner(s) : Mr. Shambhoo Singh

**HON'BLE MS. JUSTICE REKHA BORANA****Order****03/04/2025**

1. The present writ petition has been filed aggrieved of order dated 04.02.2025 (Annexure-7) passed by Senior Civil Judge, Ratangarh, District Churu in Civil Suit No.33/2011 (CIS No.28/2015) whereby application under Order VII Rule 14, CPC as filed on behalf of plaintiff-petitioners has been rejected at a cost of Rs.2,000/-.

2. Vide application dated 16.01.2025 (Annexure-5), it was prayed that certified copy of sale deed dated 16.12.1998 executed in favour of one Rajendra Gupta be taken on record, a photocopy of which had already been annexed alongwith the plaint.

3. The dispute in question was that the disputed land was left open for public use by one Badriprasad Sharma and vested in the Municipality however, the said land was fraudulently sold out by the defendant. The land of Rajendra Gupta being on northern side of the disputed land, his sale deed was essential for clarification and proper adjudication of the dispute.

4. Learned Trial Court rejected the application under Order VII Rule 14, CPC on the following grounds:

(i) A photocopy of the sale deed executed in favour of one Rajendra Gupta was filed alongwith the plaint however, the list of documents did not bear any note/information to the effect that the original sale deed would be summoned from Rajendra Gupta.

(ii) Evidently, the plaintiffs were aware of the said deed since the filing of the plaint in the year 2011 but no steps were taken by



them to procure the certified copy till the year 2024. It is only when the application filed by the plaintiffs to summon the document from Rajendra Gupta having been dismissed, that the certified copy was procured by the plaintiffs in the year 2024.

(iii) The present application has been filed after a period of more than 13 years from the date of filing of the plaint and no reasonable cause has been assigned for the said delay.

(iv) The plaintiffs have filed multiple miscellaneous applications at the stage of plaintiffs' evidence and have not led any evidence therefore, it is only with intent to delay the suit proceedings that the present application has been filed after a period of more than 13 years.

5. Learned counsel for the petitioners submits that the learned Trial Court erroneously rejected the application whereas it was crystal clear that the sale deed of Rajendra Gupta would essentially clarify the exact position of the site and would be essential for adjudication of the dispute in question. He further submits that the photocopy of the said sale deed was already available on record and hence, the defendants were also aware of the said document. It is not that the defendants would be taken by surprise if the certified copy of the document is taken on record. Further, no prejudice would be caused to the defendants as the matter is still at the stage of plaintiffs' evidence and the defendants would definitely have an opportunity to cross-examine the plaintiffs/witnesses on the said document.



6. Heard the counsel and perused the material available on record.

7. This Court is of the opinion that merely for the reason that the suit is at stage of plaintiffs' evidence, there is no inherent right available to the plaintiffs to produce a document which was in their knowledge right from the time of filing of the suit. Further, learned counsel for the petitioners has not been able to point out any sufficient cause for the said delay of 13 years.

8. Admittedly, no steps to procure the certified copy of the sale deed in question were taken prior to the year 2024. Therefore, considering the fact that the plaintiffs were aware of the sale deed right from the date of filing the plaint i.e. 08.09.2011 (Annexure-1), yet did not choose to place the certified copy on record for a period of more than 13 years, the learned Trial Court rightly rejected the application.

9. Further, what is evident on record is that the suit was filed in the year 2011 and on 24.07.2019 issues were framed in the matter. As noted in the order impugned, the plaintiffs had already been granted 13 opportunities to lead their evidence and the present suit stands at Serial No.15 in the list of oldest cases for disposal.

10. Keeping into consideration the above facts, this Court is of the opinion that the learned Trial Court rightly rejected the application under Order VII Rule 14, CPC.



11. In view of the above observations, the order impugned being in consonance with law does not deserve any interference. The present writ petition is hence, **dismissed.**

12. Stay petition and pending applications, if any, stand **disposed of.**

(REKHA BORANA),J

51-Praveen/-

