

GAHC010058522025



2026:GAU-AS:2600

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(IO)/105/2025

NAVIN KUMAR SHARMA
S/O- LATE HARISH CHANDER SHARMA, PROPRIETOR OF STS
PHARMACEUTICALS,HAVING HIS PLACE OF BUSINESS IS SITUATED AT
GROUND FLOOR, ASHA TOWER,S.C GOSWAMI ROAD,
PANBAZAR,GUWAHATI-781001,DIST- KAMRUP (M), ASSAM

VERSUS

MANASH GUPTA
S/O- LATE AMITAVA GUPTA (FATHER) AND LATE ANJANA GUPTA
(MOTHER), R/O FIRST FLOOR, ASHA TOWER, S.C GOSWAMI ROAD,
PANBAZAR,GUWAHATI-781001, DIST- KAMRUP (M), ASSAM

2:SMT SANJUKTA GUPTA
W/O- SHRI MANASH GUPTA
R/O FIRST FLOOR
ASHA TOWER
S.C GOSWAMI ROAD
PANBAZAR
GUWAHATI-781001
DIST-KAMRUP (M)
ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

For the petitioner : Mr. R. K. Mour, Advocate

For the respondent : Mr. G. Jalan, Advocate

Date of Hearing : **15.10.2025**

Date of Judgment : **19.02.2026**

JUDGMENT & ORDER

- 1.** Heard Mr. R. K. Mour, learned counsel for the petitioner. Also heard Mr. G. Jalan, learned counsel for the respondents.
- 2.** This application under Article 227 of the Constitution of India has been filed by the petitioner, namely, *Navin Kumar Sharma*, impugning the order dated 21.12.2024 passed by the Court of the learned Civil Judge (Junior Division) No. 4, Kamrup(M), Guwahati, in Title Suit No.560/2021, whereby the petitioner was not allowed to submit the certified copies of Misc.(N.J.) case records as prayed for by him in Petition No. 873/2024 on 03.08.2024.
- 3.** The facts relevant for consideration of the instant revision petition, in brief, are that the present petitioner had filed a title suit before the Court of learned Civil Judge (Junior Division) No. 4, Kamrup(M) against the respondents seeking a declaration that the petitioner is lawful tenant of the respondents in respect of the suit premises and he may not be forcibly evicted from there. He has also sought for the relief of permanent injunction restraining the respondents from disconnecting the electricity of the suit premises as well as from forcibly evicting him from the suit premises.
- 4.** The respondents herein contested the suit by filing a written statement as well as a counter-claim seeking eviction of the present petitioner from the suit premises on the ground of defaulter of rent.
- 5.** The learned counsel for the petitioner has submitted that the petitioner was paying monthly rent of the tenanted premises before the Court after the respondents refused to accept the same from him. He had filed an application before the trial court for allowing him to call for the records of Misc.

(N.J.) cases from the Office of the learned Civil Judge (Junior Division) No. 1 to prove that he has been depositing the rent of the tenanted premises in the Court. The said application was allowed by the trial court, however, it is contended by the petitioner that due to default on the part of the engaged counsel for the petitioner before the trial court, the steps for calling of records could not be taken and the trial court did not allow the petitioner to take any further steps for calling of the records. Accordingly, the petitioner, on 03.08.2024 filed a petition (Petition No. 873/2024) under Order 7 Rule 14 of the Code of Civil Procedure, 1908, read with Section 151 of the said Code to allow the petitioner to exhibit the certified copy of the Misc. (N.J.) case records, which were mentioned in the aforesaid Petition No. 873/2024.

6. It is further submitted by the learned counsel for petitioner that as some of the certified copies of Misc. (N.J.) cases were not received by the petitioner when he filed the petition No. 873/2024, he also sought leave of the trial court to exhibit the certified copies of the aforesaid (N.J.) cases as and when he receives the same. However, by order dated 21.12.2024, the Trial Court rejected the said prayer.

7. The learned counsel for the petitioner has submitted that as the petitioner is depositing the rent of the tenanted premises in the Court and as the respondents have filed a counter-claim for eviction, *inter alia*, on the ground of defaulter of payment of rent, the production of records of Misc. (N.J.) cases or certified copy thereof, in which he has been paying rent before the Court, is of utmost urgency, and if the petitioner is debarred from exhibiting the said documents, he would be highly prejudiced.

8. The learned counsel for the petitioner has submitted that in the

Petition No. 873/2024 filed by the present petitioner under Order 7 Rule 14 read with Section 151 of the Code of Civil Procedure, 1908, he has mentioned the details of Misc. (N.J.) cases which were to be called for. However, the Trial Court without taking into consideration of those specifically mentioned Misc. (N.J.) cases, rejected the prayer of the petitioner mainly on the ground that some of the certified copies were not yet received by the petitioner when the application was filed. He submits that the records of Misc. (N.J.) cases or the certified copy thereof, which the petitioner is seeking to exhibit in the aforesaid case are very much necessary for a just decision on the question of defaulter in payment of rent to the respondent No. 1 and by not allowing the same, the petitioner has been caused irreparable loss and it would amount to denial of justice to him.

9. He submits that the Court has wide powers under Order 7 Rule 14 of the Code of Civil Procedure, 1908 for allowing the production of documents when the documents which the petitioner intend to rely were not in his possession when the plaint was filed. He submits that the trial court ought to have allowed the petition filed by the petitioner for the ends of justice. In support of his submission, learned counsel for the petitioner has cited a ruling of the Apex Court in the case of "***State of Assam Vs. Union of India and others***" reported in "***201810 SCJ 617***".

10. On the other hand, Mr. G. Jalan, learned counsel for the respondents has submitted that there is no error in the impugned order passed by the Trial Court and no perversity is there justifying any interference by this Court in exercise of its power under Article 227 of the Constitution of India. He submits that the conduct of the petitioner was not such as to allow him the benefit of discretionary relief by the Court. He submits that trial court was right in

rejecting the prayer made by the petitioner in the application under Order 7 Rule 14 of the CPC, which was registered as Petition No. 873/2024. He submits that in his application, the petitioner has not even mentioned the details of all the certified copies which he intends to exhibit. Rather, a vague prayer was made that as and when he receives the certified copy, he may be allowed to exhibit the same.

11. He submits that the petitioner was allowed by the Trial Court on earlier occasion to exhibit the Misc. (N.J.) cases by calling the records of the same. However, it was the fault of the petitioner in not taking the proper steps as per the Court's order and thereafter trying to mislead the Court by falsely stating that he had taken steps in pursuant to the Court's order. He submits that in the impugned order itself, the Trial Court has reflected that no proof of taking steps by the petitioner for calling of the Misc. (N.J.) cases is there not even the Court fee register maintained by the Trial Court reflects that any Court fee was cancelled by the office for taking steps by the petitioner. He submits that the certified copy of the documents or Misc. (N.J.) cases, which the petitioner himself does not have possession at the time of filing of the application, cannot be allowed to be exhibited, as this appears to be a plea to delay the trial of the case and to fill up the lacuna.

12. I have considered the submissions made by the learned counsel for both sides and have gone through the materials available on record. I have also gone through the rulings cited by learned counsel for the petitioner in support of his submissions.

13. On perusal of the materials on record, it appears that the present petitioner, who is the plaintiff in Title Suit No. 560/2021, where the respondents

as defendants have also filed a counter-claim seeking decree for eviction of the petitioner from the suit premises on the ground of defaulter of rent. It also appears that the petitioner had prayed for leave of the Court to produce certified copy of the Misc. (N.J.) cases by which he claims to have deposited the rent of the suit premises in the Court. Though, the petitioner had filed an application under Order 7 Rule 14 of the Code of Civil Procedure for seeking leave of the Court to exhibit the certified copies of the Misc. (N.J.) cases. However, since those documents which the petitioner has sought to exhibit in the aforesaid case was only to defend his claim that he is not defaulter of rent against the plea of the respondents taken in their counter-claim, the petitioner ought to have sought relief under Order 8 Rule 1A of the Code of Civil Procedure, 1908. Since, in respect of the counter-claim, the plaintiff would be in the position of a defendant.

14. Moreover, as in the aforesaid title suit, the petitioner has also filed a written statement against the counter-claim filed by the respondents, it was incumbent upon him to enter all the documents on which he relies for his defence in a list and same should have been produced before the Court when the written statement against counter-claim was submitted before the Court. If the petitioner could not submit such documents at the time of filing the written statement against counter-claim, then he had to take leave under Order 8 Rule 1A(3) of the Code of Civil Procedure, 1908 for adducing such documents in evidence.

15. In the instant case, in Petition No.873/2024 filed by the present petitioner before the Trial Court on 03.08.2024 in paragraph No. 4, he has mentioned the details of sixteen Misc. (N.J.) cases from which the certified copy

of which he has sought to exhibit in evidence along with some more certified copies which he had not received. The Trial Court rejected the prayer as on earlier occasion, the petitioner had defaulted in taking steps for calling of aforesaid Misc. (N.J.) case records as well as in the aforesaid petition, some certified copies were also sought to be exhibited, details of which were not mentioned in the aforesaid petition.

16. This Court is of considered opinion that though the petitioner had defaulted in taking steps on earlier occasion, however, since in paragraph No. 4 of the aforementioned petition, he had given details of the documents, the certified copy of which he intend to exhibit in evidence, the Court could have granted such leave under Order 8 Rule 1A (3) of the Code of Civil Procedure, 1908 by imposing some costs. This Court is of considered opinion that since the eviction of the present petitioner is sought for by the respondent in their counter-claim on the ground of defaulter of payment of rent, the certified copy of the (N.J.) cases, of which the details were mentioned in the paragraph No. 4 of the application and paragraph No. 4 the petition No. 873/2024 dated 03.08.2024 may be allowed to be received in evidence at the hearing of this suit for the ends of justice.

17. Accordingly, this civil revision is allowed by allowing the petitioner to exhibit the certified copies of the sixteen Misc. (N.J.) cases, details of which are mentioned in paragraph No. 4 of the petition No. 873/2024 filed by the present petitioner before the trial court on 03.08.2024, subject to payment of cost of Rs.10,000/- to the respondents before the trial court. The payment of cost imposed on the petitioner shall be a condition precedent before admitting the aforesaid certified copies in evidence.

18. Since, the respondent shall have all the avenues of cross-examination of the witness, who would be exhibiting the aforesaid documents, they shall not suffer any prejudice.

19. With the above observation, this civil revision petition is disposed of.

JUDGE

Comparing Assistant