



2026:AHC:25032

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 3 of 2026

Mohammad Arif

.....Petitioners(s)

Versus

Laiq Ahmad

.....Respondents(s)

Counsel for Petitioners(s)	: Rama Goel Bansal, Shalini Goel
Counsel for Respondent(s)	: Rupesh Srivastav

Court No. - 35

AFR

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

1. Heard Ms Rama Goel Bansal, learned counsel for the petitioner and Sri Rupesh Srivastav, learned counsel for the respondent.
2. The present petition under Article 227 of the Constitution of India calls in question the orders dated 03.09.2025 and 09.10.2025 passed by the Judge, Small Causes Court, Bareilly in SCC Suit No. 6 of 2019, as also the order dated 20.11.2025 passed by the learned District Judge, Bareilly in Misc. Civil Case No. 397 of 2025, whereby the revision preferred by the petitioner under Section 25 of the Provincial Small Cause Courts Act came to be dismissed as not maintainable.
3. The dispute has its genesis in SCC Suit No. 6 of 2019 instituted by the respondent–plaintiff seeking eviction of the petitioner–defendant from a shop situated at Meena Bazar, Mohalla Tanda, near Imambara Baheri, District Bareilly. The plaintiff asserted his ownership over the premises on the strength of a registered sale deed dated 15.04.1988 and

pleaded that the shop in question formed part of Kadri Market, which was constructed during the years 2000–2001.

4. It was the specific case of the plaintiff that the shop was let out to the defendant in the year 2003 at a monthly rent of Rs.2,500/- per shop and that the defendant was in occupation of two shops at a total monthly rent of Rs.5,000/- per month. It was alleged that the defendant committed default in payment of rent after August 2018. Consequently, a notice dated 16.01.2019 terminating the tenancy and demanding arrears of rent was issued. Alleging non-compliance with the said notice, the eviction suit came to be instituted.

5. The plaintiff further pleaded that on the same date he had instituted several eviction suits against different tenants occupying various shops in the same market, namely SCC Suit Nos. 4 to 9 of 2019. It was asserted that each of the said suits was filed along with the respective notices terminating tenancy, postal receipts evidencing dispatch, and reply notices submitted by the concerned defendants. According to the plaintiff, owing to the simultaneous filing of multiple suits, an inadvertent and *bona fide* mistake occurred at the stage of presentation, resulting in the basic documents relating to SCC Suit No. 6 of 2019 being wrongly tagged with the record of SCC Suit No. 7 of 2019 and vice versa.

6. During the course of proceedings, the defence of the defendant was struck off. The plaintiff led his evidence and, during cross-examination, PW-1, after perusing Paper No.8C2, stated that the said document was the notice issued to the defendant. It was thereafter, at the stage of final arguments, that the plaintiff moved an application dated 19.08.2025 (Paper No.81C) seeking summoning of the relevant documents from the record of SCC Suit No. 7 of 2019.

7. By order dated 03.09.2025, the Trial Court directed summoning of the record of SCC Suit No. 7 of 2019 from the record room.

Subsequently, by order dated 09.10.2025, the application was allowed, the Trial Court accepting the explanation furnished by the plaintiff that the omission was *bona fide* and occurred on account of an inadvertent mistake while filing multiple suits simultaneously. While allowing the application, the Trial Court expressly granted liberty to the defendant to move an application for recalling witnesses for further cross-examination in respect of the documents so summoned.

8. Aggrieved thereby, the petitioner preferred a revision under Section 25 of the Provincial Small Cause Courts Act, which came to be registered as Misc. Civil Case No. 397 of 2025. The revisional court, by order dated 20.11.2025, dismissed the revision holding that the impugned order did not amount to a "case decided" and, therefore, was not amenable to revisional jurisdiction.

9. Before this Court, counsel for the petitioner initially assailed the impugned orders contending that permitting summoning of documents at the stage of final arguments amounted to allowing the plaintiff to fill up lacunae in the case and defeated a valuable right which had accrued in favour of the defendant. However, after making submissions to some extent, learned counsel could not seriously dispute that the order passed by the Trial Court summoning the documents on the ground of a *bona fide* mistake could not be said to be perverse or wholly unjustified, inasmuch as it was passed in furtherance of the ends of justice.

10. Learned counsel for the respondent–plaintiff, on the other hand, submitted that the omission in filing the correct set of documents at the time of institution of the suit was wholly inadvertent and was a direct consequence of the simultaneous filing of multiple eviction suits against different tenants on the same date. It was urged that the documents sought to be summoned were not new documents being introduced for the first time in the proceedings, but were already part of the judicial record of a connected SCC suit and constituted the foundational documents of the plaintiff's case. It was further submitted

that no prejudice whatsoever was caused to the defendant, particularly in view of the liberty granted by the Trial Court to recall witnesses for further cross-examination and to address arguments on the basis of the said documents.

11. The principal grievance of the petitioner which survives for consideration is that by a subsequent order dated 20.01.2026, the Trial Court has fixed the matter for arguments/orders without affording adequate opportunity to the petitioner to cross-examine witnesses and to advance submissions in the light of the additional documents brought on record. Learned counsel for the respondent, in all fairness, does not oppose the prayer that such opportunity be granted before the suit is finally decided.

12. The supervisory jurisdiction of this Court under Article 227 of the Constitution of India is intended to ensure that subordinate courts act within the bounds of their authority, exercise jurisdiction vested in them in accordance with law, and adhere to the principles of natural justice. Though this Court does not sit as a court of appeal over interlocutory or procedural orders, it is obliged to intervene where a procedural irregularity results in denial of a fair opportunity to a party.

13. Order VII Rule 14(3) of the Code of Civil Procedure places a procedural embargo on the reception in evidence of documents which were required to be produced or listed at the time of presentation of the plaint but were not so produced. The object underlying the provision is to ensure procedural transparency and fairness by mandating early disclosure of the documentary foundation of the plaintiff's claim and by preventing surprise to the opposite party at a later stage of the proceedings. At the same time, the provision itself confers discretion upon the Court to grant leave for production of documents at a subsequent stage, thereby indicating that the rule is directory and not mandatory.

14. A code of procedure is a body of law designed to facilitate justice and further its ends, and should not be treated as an enactment providing for punishments and penalties. The laws of procedure are grounded on the principles of natural justice, which require that a person should not be condemned unheard, that decisions should not be reached behind the back of a party, and that proceedings affecting life or property should not continue without affording an effective opportunity of participation. Subject to clearly defined exceptions, procedural provisions must therefore be construed, wherever reasonably possible, in the light of these principles.

15. The discretion under Order VII Rule 14(3) CPC is required to be exercised judiciously by applying a three fold test: (i) whether the omission to file the document earlier was *bona fide*; (ii) whether the document is relevant and necessary for effective adjudication of the dispute; and (iii) and whether permitting its production at a later stage would occasion serious prejudice or irreparable injustice to the defendant.

16. In the present case, the Trial Court has recorded a clear finding that the omission occurred due to an inadvertent and *bona fide* mistake arising out of the simultaneous filing of several eviction suits against different tenants on the same date. The documents sought to be summoned pertain to the notice terminating the tenancy, postal receipts evidencing dispatch, and the reply notice submitted by the defendant, all of which form the very foundation of the eviction proceedings. Significantly, the documents were already part of the judicial record of a connected SCC suit and were not sought to be introduced for the first time.

17. The exercise of discretion by the Trial Court is further reinforced by the safeguards incorporated in the order itself. Liberty was expressly granted to the defendant to recall witnesses for further cross-examination in respect of the documents so summoned. Such an

approach is in consonance with the settled principle that procedural laws are handmaids of justice and ought to be applied in a manner that advances, rather than obstructs, the cause of substantive justice. The Supreme Court in **Sangram Singh v. Election Tribunal, Kotah**¹ and **State of Punjab v. Shamlal Murari**² has consistently held that rules of procedure are intended to advance justice and not to defeat it. It has also been emphasised that procedural provisions should be construed pragmatically so as to further the cause of fair trial rather than frustrate it on technical grounds. This principle has also been consistently reiterated that where the Court is satisfied about the *bona fides* of a party and adequate opportunity is afforded to the opposite side, production of documents at a later stage does not vitiate the proceedings.

18. The inherent powers of the Court preserved under Section 151 CPC are intended to supplement the procedural framework of the Code and to ensure that justice is done in situations where rigid adherence to procedure may result in injustice. The scope and amplitude of Section 151 CPC have been authoritatively explained by the Supreme Court in **Manohar Lal Chopra v. Rai Bahadur Rao Raja Seth Hiralal**³, wherein it was held that the inherent powers of the Court are complementary to the powers expressly conferred by the Code and may be exercised to secure the ends of justice or to prevent abuse of the process of the Court, so long as their exercise is not in conflict with any express provision of law. A conjoint reading of Order VII Rule 14(3) CPC and Section 151 CPC makes it clear that where the interests of justice so demand, and where adequate opportunity is afforded to the opposite party to meet the case set up by the additional documents, the Court is well within its jurisdiction to permit their production, subject to appropriate safeguards, for processual law is meant to be not an obstruction but an aid to justice. The Court is invested with the widest

1 AIR 1955 SC 425

2 AIR 1976 SC 1177

3 AIR 1962 SC 527

possible discretion to ensure that justice is done to all concerned, and such discretion must be exercised to advance the cause of justice while safeguarding fairness to the opposite party and strict adherence to the principles of natural justice.

19. At the same time, fairness in procedure necessarily requires that once such documents are permitted to be brought on record, the opposite party must be afforded a real, effective, and meaningful opportunity to meet the same by way of cross-examination and by advancing arguments. Any denial of such opportunity would offend the principles of natural justice and would warrant supervisory interference by this Court.

20. In view of the foregoing discussion, this Court finds no illegality, jurisdictional error or perversity in the orders dated 03.09.2025 and 09.10.2025 passed by the Trial Court, nor in the order dated 20.11.2025 passed by the revisional court, insofar as they relate to summoning and taking on record the relevant documents. The approach adopted by the courts below is in consonance with the law laid down by the Supreme Court in **K.K. Velusamy v. N. Palanisamy**⁴, wherein it has been held that procedural provisions, including the power to permit additional evidence or recall of witnesses, are intended to advance justice and can be exercised where the Court is satisfied about the bona fides of the party and where the opposite side is afforded adequate opportunity to rebut the material so brought on record. Consequently, the relief sought by the petitioner for setting aside the impugned orders is declined.

21. However, having regard to the subsequent fixation of the matter for final orders and the concern expressed on behalf of the petitioner regarding lack of adequate opportunity, this Court is of the considered opinion that the ends of justice would be best served by directing the Trial Court to afford full opportunity to the parties before proceeding to pronounce final judgment.

4 (2011) 11 SCC 275

22. Accordingly, the petition is **disposed of** with a direction to the Judge, Small Causes Court, Bareilly to afford adequate opportunity to the parties to adduce evidence, to recall and cross-examine witnesses, if so prayed, in respect of the documents summoned from the record of SCC Suit No. 7 of 2019, and thereafter to hear and decide the matter after granting reasonable opportunity of arguments to both sides. The Trial Court may regulate the proceedings, subject to appropriate terms, so as to balance procedural fairness with expeditious disposal.

23. It is made clear that this Court has not expressed any opinion on the merits of the case, which shall be decided independently by the Trial Court in accordance with law.

February 4, 2026
RKK/-

(Dr. Yogendra Kumar Srivastava,J.)