RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 10701/2012
CNR: RJHC010423632012 | URN: CW / 26533U / 2012

Municipality Gangapur, through Executive Officer, Municipality Gangapur District Bhilwara.

----Petitioner

Rajasthan High Court
सत्यमेव जयते
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Versus

Government Higher Secondary School, Gangapur District Bhilwara through Principal.

----Respondent

For Petitioner(s)	:	Mr. Nikhil Ajmera
For Respondent(s)	:	Mr. Vikram Patel for Ms. Rakhi Choudhary (DGC)

HON'BLE MR. JUSTICE MANEESH SHARMA
Order

02/11/2026

1. The present writ petition has been filed assailing the order dated 07.09.2012 passed by the learned Civil Judge (Sr. Division) and Additional Chief Judicial Magistrate, Gangapur, Bhilwara, in Original Case No. 30/2002, whereby the petitioner-defendants' application for taking documents on record was rejected on the ground of delay.

2. The facts germane to the present writ petition, in brief, are that the respondent-plaintiff filed a suit for declaration of title, possession, and permanent injunction in respect of the suit property on 04.10.2002.

3. Upon service in the said suit, the petitioner-defendants filed a written statement on 14.11.2002, denying the averments made in the plaint, and prayed for the dismissal of the suit.

4. Thereafter, the petitioner-defendants filed an application on 07.09.2012, seeking leave to place additional documents on

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record, which are certified copies obtained from a government department.

5. Although the respondent-plaintiff did not file any formal written reply to the aforesaid application, he contested the same orally.

6. After hearing the arguments of the respective parties on the said application, the learned Trial Court, vide order dated 07.09.2012, rejected the said application on the ground of delay.

7. Aggrieved thereby, the petitioner-defendants have preferred the present writ petition.

8. Learned counsel for the petitioner-defendants submits that the learned Trial Court erred in rejecting the application on the ground of procedural delay without considering the fact that the documents are certified copies, and that the same are necessary and relevant for the complete and effective adjudication of the present *lis*. He, accordingly, prays that the impugned order dated 07.09.2012 be set aside.

9. *Per contra*, learned counsel for the respondent-plaintiff, while supporting the impugned order, opposes the submissions advanced by the learned counsel for the petitioner-defendants and submits that the petitioner-defendants had not submitted any reasonable cause explaining the delay; therefore, the application was rightly rejected by the learned Court below. He, accordingly, prays for the dismissal of the present writ petition.

10. Heard learned counsel for the parties and perused the material available on record.

11. A perusal of the record reveals that although the application dated 07.09.2012 was filed with some delay, the same was filed

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prior to the commencement of evidence. From the record, it is also clear that the documents sought to be produced are certified copies of government records and have a material bearing on the adjudication of the present *lis*.

12. Apart from the above, this Court is of the considered opinion that the production of documents cannot be thwarted merely on hyper-technical grounds or procedural delay, as taking them on record causes no prejudice to the respondent-plaintiff, who remains at liberty to contest their authenticity and to lead evidence in rebuttal.

13. It is a settled principle of law that procedural provisions are intended to advance the cause of justice and not to obstruct it. Procedural law is a handmaid of justice, and whenever procedural technicalities are pitted against the cause of substantial justice, the latter must invariably prevail. Unless there is gross negligence, deliberate inaction, or mala fide intention on the part of a litigant, which is not the case in the present matter, a party ought not to be deprived of a fair opportunity to contest the matter on merits.

14. For the delay in filing the documents by the petitioner-defendants, the interest of justice would be served by imposing costs on the petitioner-defendants to compensate the respondent-plaintiff. This Court finds that taking into consideration the facts and circumstances of the present matter, a pragmatic and lenient view ought to have been taken by the learned Trial Court, exercising its jurisdiction in a judicious manner to impart justice; for the procedural delay, the respondent-plaintiff could have been adequately compensated by awarding costs.

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15. Since the documents have been filed with a delay, this Court deems it appropriate to compensate the respondent-plaintiff for such delay by imposing costs of Rs. 5,000/- on the petitioner-defendants.

16. Accordingly, the present writ petition is allowed.

17. Consequent thereto, and the impugned order dated 07.09.2012 is quashed and set aside. The subject documents are taken on record, subject to the payment of costs of Rs. 5,000/- to be paid to the respondent-plaintiff as a condition precedent.

18. As a necessary corollary, all pending application(s), if any, also stand disposed of.

(MANEESH SHARMA),J

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