

2022 LiveLaw (SC) 533

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
HEMANT GUPTA; V. RAMASUBRAMANIAN; JJ.
17th MAY, 2022**

CIVIL APPEAL NO.4096 OF 2022 (@ SLP(C) No. 7452/2022)

LEVAKU PEDDA REDDAMMA & ORS. versus GOTTUMUKKALA VENKATA SUBBAMMA & ANR.

Code of Civil Procedure, 1908; Order VIII Rule 1A (3) - To deprive a party to the suit not to file documents even if there is some delay will lead to denial of justice - Trial Court should have imposed some costs rather than to decline the production of the documents itself - Rules of procedure are hand-maid of justice.

(Arising out of impugned final judgment and order dated 04-01-2022 in CRP No. 792/2021 passed by the High Court of Andhra Pradesh at Amravati)

For Petitioner(s) Mrs. B. Sunita Rao, AOR Mr. Gunmaya Mann, Adv. For Respondent(s) Mr. Mahfooz Ahsan Nazki, AOR Mr. Polanki Gowtham, Adv. Ms. Rajeswari Mukherjee, Adv.

ORDER

Issue notice.

Mr. Mahfooz Ahsan Nazki accepts notice on behalf of respondent No.1.

Leave granted.

The defendant Nos.2 to 5 are in appeal aggrieved against the order passed by the High Court affirming the order passed by the trial Court refusing to permit the appellant to produce additional documents in terms of Order VIII Rule 1 of the Code of Civil Procedure, 1908.

We find that the trial Court as well as the High Court have gravely erred in law in not permitting the defendants to produce documents, the relevance of which can be examined by the trial Court on the basis of the evidence to be led, but to deprive a party to the suit not to file documents even if there is some delay will lead to denial of justice.

It is well settled that rules of procedure are hand-maid of justice and, therefore, even if there is some delay, the trial Court should have imposed some costs rather than to decline the production of the documents itself.

Consequently, the appeal is allowed. The orders passed by the trial Court and the High Court are set aside. The appellants – defendant Nos.2 to 5 are permitted to file the documents and to prove the same in accordance with law.

Mr. Nazki states that the plaintiffs-respondents should be permitted to lead additional evidence, if any, on the basis of the documents now produced by the defendants. We accept the request. The Plaintiff shall lead additional evidence, if any, before the defendants are given an opportunity to lead evidence to rebut the evidence produced by the plaintiff.

Pending application(s), if any, also stand disposed of.