



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 109 of 2025

Decided on: 05.08.2025

Sh. Mukhtyar Singh ... Petitioner

Versus

Gyan Singh and others ... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹ Yes

For the petitioner : M/s Dheeraj K. Vashisht and Shrutika Chauhan, Advocate.

For the respondents : Mr. Desh Raj Thakur, Advocate for respondent No. 2.

Ajay Mohan Goel, Judge [Oral]

By way of this petition, the petitioner has *inter alia* prayed for the following relief:-

"It is, therefore, respectfully prayed that this petition may kindly be allowed and the impugned order 21-12-2024 (Annexure P-5) passed by the learned court below. May kindly be set aside as prayed in the interest of law, justice, equity, & fair play and such further order which this Hon'ble Court may deems fit and proper, in the facts and circumstances of the present case may kindly be passed in favour of the petitioners in the interest of law and justice."

2. The petitioner is aggrieved by order dated 21.12.2024, in terms whereof, an application filed by the petitioner under Order

¹ Whether reporters of the local papers may be allowed to see the judgment?

VII, Rule 14 of the Code of Civil Procedure has been dismissed by learned Court below.

3. Learned Counsel for the petitioner has submitted that in light of the averments made in the application and in the light of the documents which the petitioner intended to place on record, the rejection of the application is not sustainable in the eyes of law as it has caused great prejudice to the petitioner and this extremely important aspect of the matter has been ignored by the learned Court below.

4. On the other hand, learned Counsel for respondent No. 2 has submitted that after availing 5-7 opportunities to argue the matter, said application was filed by the petitioner just to stall the proceedings and a perusal of the order passed by the learned Court clearly demonstrated that reasons were spelled out in the order by the learned Court as to why the application was being dismissed. Accordingly, he submitted that as there is no merit in the present petition, the same be dismissed.

5. Having heard learned Counsel for the petitioner and having perused the impugned order, this Court sees no reason to interfere with the impugned order. It is not in dispute that the application was filed after about five opportunities were granted to the parties to argue the case by the learned Court below. Learned Counsel for the petitioner otherwise also could not demonstrate that

the findings returned by the learned Court below, that it was not the case of the petitioner that Parivar Register was not in existence at the time of filing of the suit which was filed as far back as in the year 2012, were perverse findings. Learned Counsel for the petitioner also could not dispute that the only reason given in the application was that earlier the documents could not be placed on record as they inadvertently remained in the brief of the learned Counsel. This Court is of the considered view that these pleas are no reasons to invoke the provisions of Order 7, Rule 14 of the Code of Civil Procedure. These provisions have been provided in the Statute to advance the cause of justice and not to throttle the wheel of justice as apparently is the intent of the petitioner. Though the procedure is handmaid of justice, but then, the procedure cannot be misused by a party to delay the adjudication of the case or to fill up the lacunae in the case.

In the backdrop of above discussion, as this Court does not find any merit in this petition, the same is accordingly dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

August 05, 2025
(narendar)