

CPC to contend that a plaintiff who relies on documents must produce them with the plaint and supply copies. They also relied on Order XI Rules 12 and 14 CPC to seek discovery and production of documents. The trial court dismissed the application observing that photocopies have already been supplied and that whether the documents are genuine or admissible is a matter of proof at the evidence stage and originals cannot be insisted upon at the pleading stage, particularly when the plaintiffs would be required to prove their documents as per law during trial. Aggrieved, the defendants have preferred the present revision.

3. The questions that fall for determination in this petition are that:-
 1. Whether, in law, a plaintiff can be compelled to produce original documents for inspection by the defendant before the defendant files the written statement?
 2. Whether, on the facts pleaded, the trial court rightly exercised its discretion in declining the request of defendants and in dismissing their application?

Findings

4. This Court is of the considered opinion that the CPC does not create a right in the defendant to insist upon production of originals for inspection as a condition precedent to filing a written statement, and that the structure of the Code draws a clear distinction between (a) production/filing of documents with pleadings, which is governed by Order VII Rule 14 (for the plaintiff) and (b) the mechanisms of discovery and inspection, which are matters of judicial discretion under Order XI Rules 12 and 14 and are generally invoked after the basic pleadings are complete. Order VII Rule 14(1) requires a plaintiff who relies on a document in his possession or power to enter it in a list and produce it in court when the plaint is presented, and to file copies. Order VII Rule 14(3) further

provides that a document not produced at that stage cannot be later received without the court's leave. These provisions do not mandate that the originals must be made available to the defendant for filing written statement. The defendants' remedy, if they doubt the authenticity of what has been disclosed, lies in the pleading of specific non-admissions/denials in the written statement, followed by an appropriately framed application for discovery/inspection under Order XI Rule 12 (discovery of documents) and Order XI Rule 14 (production for inspection), which the court may allow upon being satisfied that such discovery is necessary for disposing of the suit.

5. Where the plaintiffs' reliance is on computer-generated statements of account, their mode of proof is governed by the Indian Evidence Act, 1872, including Section 65B in the case of electronic records, and, where applicable, the Bankers' Books Evidence Act, 1891. These are rules of admissibility and proof at trial, not pre-conditions to the defendants' filing of a written statement. The defendants remain fully entitled to put the plaintiffs to strict proof, to demand that admissibility requirements be satisfied at the evidence stage, and to seek inspection under Order XI at the proper time. However, not filing written statement unless originals are produced cannot be a ground to withhold or delay the written statement, particularly when photocopies have been supplied and the plaintiffs have placed their documents on the record in compliance with Order VII Rule 14.

6. Applying these principles, there is no perversity in the trial court's order. The court noted that photocopies have already been furnished, that the plaintiffs will have to prove their documents as per law, and that originals can be dealt with at the evidentiary stage. The order reflects a proper exercise of discretion consistent with the scheme of Order VII Rule 14, and Order XI Rules 12 and 14. The assertion of defendants that they cannot file an effective written

statement without first examining originals is untenable in law. The defendants can and must traverse the case of plaintiffs on the basis of the copies supplied, raise all specific denials and non-admissions.

Conclusion

7. For the foregoing reasons, the civil revision petition is dismissed. The impugned order dated 27.05.2025 does not call for interference. It is clarified, however, that this dismissal shall not preclude the defendants from moving a properly particularised application under Order XI Rules 12 and/or 14 CPC for discovery/inspection after filing their written statement, nor shall it preclude the trial court from directing production/inspection of any specific original document at the appropriate stage if the interests of justice so require. The defendants shall file their written statement as directed by trial Court.

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

August 20, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No