

2025 LiveLaw (SC) 502

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
DIPANKAR DATTA; J., PRASHANT KUMAR MISHRA; J.
APRIL 23, 2025

CIVIL APPEAL No(s) 307 OF 2025
SRI SHRIKANTH NS & ORS. *versus* K. MUNIVENKATAPPA & ANR.

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SRI SHRIKANTH NS & ORS. *versus* K. MUNIVENKATAPPA & ANR.

Code of Civil Procedure, 1908; Order XI Rule 14 - Production of documents - Appellate Court's power to direct document production under Order XI Rule 14 CPC limited to pending suits - An Appellate Court cannot direct the production of documents under Order XI Rule 14 of the CPC in an appeal against the rejection of a plaint under Order VII Rule 11. The power to order document production is confined to the pendency of a suit and does not extend to appeals after dismissal. The Appellate Court's role is limited to reviewing the validity of the rejection order without assessing the case's merits or admitting new evidence not part of the original proceedings. The High Court's decision affirming the First Appellate Court's order to produce a mutation deed was set aside as it exceeded jurisdictional scope. (Para 9)

For Petitioner(s) Mr. Shailesh Madiyal, Sr. Adv. Mr. Mahesh Thakur, AOR Mr. Anchit Singla, Adv. Ms. Geetanjali Bedi, Adv. Mr. Ranvijay Singh Chandel, Adv.

For Respondent(s) Ms. Mary Vimala Bai P., AOR Ms. Mary Vimala Bai, Adv. Mr. Rajkamal Tanwar, Adv. Mr. Shivanagowda Dodamani, Adv. Mr. Ankit, Adv. Ms. Deepshikha, Adv.

J U D G M E N T

PRASHANT KUMAR MISHRA, J.

1. These appeals by the defendants in the suit would call in question the order passed by the High Court rejecting their writ petition under Article 227 of the Constitution of India which in turn was preferred against the First Appellate Court's common order dated 03.01.2022 allowing I.A. No. 2 under Order 11 Rule 14 of the Code of Civil Procedure, 1908¹ and I.A. No. 5 seeking permission to raise additional grounds in the first appeal.

2. The facts of the case, briefly stated, are that on 19.11.1926, the Government of Mysore granted the subject land to one Kurubettappa, father of respondent no. 1/plaintiff. This land bearing Survey No. 11/2 admeasuring 3 acres 39 guntas situate at Honnakalasapura village, Anekal Taluk was purchased by one Smt. Marakka, grandmother of the appellants by a registered sale deed dated 11.10.1939 and mutation was carried out in her name in the year 1939-40. Thereafter, the following proceedings/suits were instituted by the respondents or her mother assailing the said transaction dated 11.10.1939:

(i) Original Suit No. 181 of 1975 was filed seeking relief of declaration and injunction against the appellants which came to be dismissed for default on 28.01.1978;

(ii) On 31.08.1987, the Assistant Commissioner allowed respondent no. 1's mother's application under Section 5 of the Karanataka Scheduled Castes and Scheduled Tribes

¹ 'CPC'

(Prohibition of Transfer of Certain Lands) Act, 1978 seeking restoration of land in her favour;

(iii) The appellants' appeal against the above order dated 31.08.1987 was dismissed by the Special Deputy Commissioner, Bengaluru on 24.11.1988;

(iv) The appellants preferred writ petition bearing WP No. 1254 of 1989 before the High Court which came to be allowed on 28.08.1989, setting aside the orders passed by the Assistant Commissioner and Special Deputy Commissioner;

(v) On 23.10.1989, Writ Appeal No. 1776 of 1989 preferred by respondent no. 1 was dismissed by the Division Bench affirming the order passed by the learned Single Judge in Writ Petition No. 1254 of 1989;

(vi) On 10.11.1989, respondent no. 1 preferred O.S. No. 320 of 1989 seeking declaration and injunction;

(vii) The above suit was dismissed on 28.03.2002 by the Trial Court holding that the suit is barred by limitation;

(viii) Regular Appeal No. 98 of 2002 preferred by respondent no. 1 was dismissed by the First Appellate Court on 10.07.2007;

(ix) On 22.02.2010, Second Appeal bearing RSA No. 2099 of 2007 preferred by respondent no. 1 was dismissed by the High Court;

(x) Immediately after rejection of the RSA, respondent no. 1 preferred O.S. No. 91 of 2010 seeking permanent injunction against the property in question;

(xi) On 06.08.2010, respondent no. 2/Tehsildar passed an order in RRT No. 87 of 2010 rejecting the prayers sought, observing that Mutation Register No. 5/1939-40 was a genuine entry;

(xii) Respondent No. 1 preferred another suit in OS No. 275 of 2010 seeking declaration of the title and declaration of the judgment as void ab initio as also for consequential relief of permanent injunction;

(xiii) In the year 2010, respondent no. 1 preferred a private complaint against the Special Tehsildar for offences punishable under Section 192A of the Karnataka Land Revenue Act and under Section 217 of the Indian Penal Code, 1860;

(xiv) Respondent No. 1 again preferred civil suit bearing O.S. No.434 of 2011 seeking a declaration that the order dated 06.09.2010 passed by respondent no. 2/Tehsildar in RRT No. 87 of 2010 is illegal.

3. When the matter stood thus, the appellants preferred their written statement along with an application under Order VII Rule 11 (a) & (d) of the CPC in O.S. No. 434 of 2011, the present suit. This application was on the plea that respondent no. 1 cannot seek relief in the plaint without having sought cancellation of sale deed dated 11.10.1939. The Trial Court, vide its order dated 28.10.2013 allowed the appellants' application and rejected the plaint. In the meanwhile, the Special Tehsildar had preferred Criminal Petition Nos. 4360 of 2010 and 5272 of 2010 seeking quashment of criminal proceedings initiated by respondent no. 1 through the private complaint. The High Court allowed the petitions vide order dated 29.11.2013 and quashed the criminal proceedings against the Special Tehsildar.

4. As against this order passed in criminal petitions preferred by the Special Tehsildar, respondent no. 1 preferred SLP(Crl.) No. 8569 of 2014 which came to be dismissed by

this Court vide order dated 02.05.2014 with observation that, the observations, if any, made by the High Court on the merits of the controversy shall not prejudice the Civil Court in determining the validity of the sale deed which according to the petitioner (therein) has been fabricated.

5. On 03.01.2018, the Trial Court dismissed both the suits (OS Nos. 275/2010 & 434/2011). Challenging the order, respondent no. 1 preferred Regular Appeal No. 5002 of 2018 renumbered as Regular Appeal No. 270 of 2020 in relation to the order passed in O.S. 275 of 2010 and Regular Appeal No. 271 of 2020 in relation to the order passed in O.S. No. 434 of 2011. The subject I.A. No. 5 has been preferred by respondent no. 1 in these two regular appeals. The First Appellate Court allowed the application vide its order dated 03.01.2022 which has been affirmed by the High Court under the impugned order.

6. Heard learned counsel for the parties at length.

7. In his application under Order XI Rule 14 of the CPC, respondent no. 1 prayed for direction to the 4th defendant/Tehsildar to produce Mutation Register extract No. 5/1939-40 in respect of suit schedule property as prayed in I.A. No. 2 whereas in the other application (I.A. No. 5) he sought permission to raise additional grounds in pending regular appeal. While allowing the applications the Trial Court seems to be influenced by the observations made by this Court while dismissing the Special Leave Petition preferred by respondent no. 1 without appreciating that the said observation was made in Special Leave Petition (Criminal), in which the quashing order passed by the High Court in the petition preferred by the Special Tehsildar was under challenge. Since these proceedings were on the criminal side, this Court observed that the observations in the order shall not prejudice the Civil Court in determining the validity of the sale deed. The Trial Court further observed that the validity of the sale deed has to be adjudicated and for that the plaintiff has to be given opportunity to prove his case, therefore, if the Tehsildar is called upon to produce the Mutation Register, no hardship will be caused to anyone. The High Court has maintained this order.

8. In our considered view, while allowing the application under Order XI Rule 14 of the CPC, the Trial Court has not adhered to the principles governing the disposal of the application under Order XI Rule 14 of the CPC. The said provision is reproduced herein for ready reference:

"Order XI Rule 14. Production of documents.-It shall be lawful for the Court, at any time during the pendency of any suit, to order the production by any party thereto, upon oath, of such of the documents in his possession or power, relating to any matter in question in such suit, as the Court shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just."

9. The plain reading of the provision would manifest that the same enables the Court to seek production of the documents during the pendency of the suit. In the case at hand, the suit preferred by respondent no.1 has already been dismissed by the Trial Court consequent upon the rejection of the plaint while allowing the appellants' application under Order VII Rule 11 of the CPC. The stage for leading the evidence is yet to arrive in the suit. In Regular Appeal pending before the First Appellate Court, the Appellate Court is not enjoined to decide the merits of the controversy. The First Appellate Court will only examine the validity of the Trial Court's order rejecting the plaint. For the said purpose, the Appellate Court will see to the contents of the plaint and nothing beyond. No other documents can be seen by the Trial Court or by the First Appellate Court without examining the issue concerning rejection of the plaint under Order VII Rule 11 of the CPC. In our considered view, the First Appellate Court was unnecessarily influenced by the

observation made by this Court while dismissing Criminal Special Leave Petition. This observation would only mean that the Civil Court proceedings shall be determined on its own merits. It nowhere enables the Civil Court (the First Appellate Court herein) to pass an order beyond the scope of Order XI Rule 14 of the CPC. The order passed by the Trial Court as affirmed by the High Court in the impugned order allowing the prayer made by respondent no. 1 for production of Mutation Register is totally misconceived and suffers from an error of exercise of jurisdiction; it deserves to be and is hereby set aside.

10. Insofar as the order passed in I.A. No. 5 allowing respondent no. 1 to raise additional grounds in the Regular Appeal is concerned, we do not think that the same suffers from any illegality. The same is hereby affirmed.

11. The Civil Appeals are disposed of in the above stated terms.

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