

CS 471/16
SUCHIN RANA
Vs.
SUDHA SINGH

08.07.2025

Present : Sh. Ankit Gupta, Ld. counsel for the plaintiff.
Sh. Imran Khan and Ms. Kajal Singh, Ld. counsel
for the defendant along-with the defendant.

Reply u/O VIII Rule 1A read with section 151 CPC
filed by the plaintiff. Taken on record. Copy supplied.

Arguments heard on the aforesaid application.

Put up for orders at 4:00 PM

(Hem Singh)
District Judge-01
(East)/KKD/Delhi/08.07.2025

At 4:00 PM

Present : None

a) This order shall decide an application filed on behalf of defendant under Order VIII Rule 1 (A) CPC r/w Section 151 CPC seeking permission to take on record certain documents as mentioned in the application.

b) By way of present application the defendant wants to place on record a copy of rent agreement in respect of a property situated in the same vicinity where the suit property is situated, some photographs of the suit property and two electricity bills in respect of the electricity meter installed at the suit property.

c) It is argued on behalf of the Ld Counsel of the defendant that these documents were not in the possession of the defendant at the time of filing written statement, therefore same could not be filed along-with the written statement. It is further argued that these documents are necessary and material for effectual adjudication of controversy in the suit.

d) Reply to the application filed by the plaintiff stating that the defendant has filed the present application with sole intention to delay the proceedings of the suit. It is further stated that no sufficient reason has been pleaded by the defendant in her application. It is further stated that there are no pleadings with regard to the copy of rent agreement in the written statement of the defendant, therefore, defendant can not be permitted to place on record these documents after lapse of 11 years of filing written statement. Ld. Counsel for the plaintiff submitted that the present application does not show any satisfactory ground for placing them on record at the time of filing written statement or earlier stage. Ld. counsel argued that the application is only a delaying tactics just to further delay the trial, in matter which pertains to the year 2013. Ld. counsel argues that even otherwise application does not fulfill primary criteria as to the pre-requisites of Order 8 Rule 1A CPC and therefore deserves dismissal.

e) I have heard respective submissions addressed by Ld. Counsels for the parties and perused the record in the light of relevant statutory provisions of CPC.

f) Order 8 Rule 1A of CPC cast a duty upon the defendant to produce all relevant documents upon which relief is claimed or relied upon by him at the time of filing of written statement. Rule 1A (3) of Order 8 further provides that a document which ought to be produced in Court by the defendant under this rule, but, is not so produced shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit. In **Ramesh Kumar and anr. v. Sangeeta Khanna (ILR (2014) II DEL 1106)** Hon'ble Delhi High Court held as follows:-

“14. For exercise of discretion by the Court under Order VIII Rule 1A (3) of the Code in favour of a defendant, the defendant would have to satisfy the court to the following qualifying criteria:

*i) that the documents were earlier not within the knowledge of the party; or
ii) that the documents could not be produced despite exercise of diligence on the part of the defendant. ...”*

g) In yet another case, a similar view was taken by Hon'ble Delhi High Court in **Dr. J. K. Jain v. Krishnaram Baldeo Investment & Finance Co. Ltd.** (Judgment dated 14.08.2008)

“.....The Court may permit the production of such documents only on showing sufficient cause. In the present case, the documents sought to be produced by the petitioner later on were not such which were not in the power of the petitioner or could not have been obtained by the petitioner. The petitioner had not made any reference to these documents in the written statement neither filed a list of documents relied upon. I find no reason as to why the court should allow filing of such documents at a belated stage when the petitioner is not able to satisfy the court about the relevancy of these documents and reasons for not filing the same with the written statement or

before framing the issues.”

h) The plea raised by the defendant is that these documents were not in the possession of the defendant at relevant stage of the suit. The fact that at the time of filing of the Present suit the defendant was in possession of the suit property is not in dispute. Despite being in possession of the suit property the defendant has not filed the photographs and electricity bills of the suit property at the time of filing written statement or at any earlier stage. Further it is nowhere specified in the application in hand that from whom and when the defendant has got the copy of rent agreement. Defendant has neither pleaded nor shown any exercise of due diligence on her part in placing these documents on record at any earlier stage of suit. No pleadings in respect of said agreement are made by the defendant in her written statement. Even defendant has not been able to show as to how and why these documents sought to be taken on record are necessary and important for the adjudication of the dispute.

i) Hon'ble Delhi High Court in the case of **Ramesh Kumar and anr. v/s. Sangeeta Khanna**, ILR (2014) II Delhi 1106; **Durga Devi v. Lalita Rakyan**, 2010(8) AD (Delhi) 212 and **Harkesh Singh and anr. v. Ved Raj**, MANU/DE/0303/2010, has observed that where the defendant has failed to show sufficient cause to produce the documents at a belated stage, no relief can be granted.

j) It can be observed that there is lack of diligence on the part of defendant as the documents have not been filed for a

period of more than 11 years from the date of filing the written statement.

k) In these circumstances, this Court found no reasonable ground for exercise of discretion under Order 8 Rule 1A (3). The application filed by defendant is bereft of any merits and the same deserves dismissal. Hence, **dismissed** subject to a cost of Rs. 3,000/- to be paid to the plaintiff on or before the NDOH.

Put up for DE on **08.10.2025**.

(Hem Singh)
District Judge-01
(East)/KKD/Delhi/08.07.2025