

Shalander Kumar Sharma Vs. Aditya Kumar Saxena

20.07.2026

Present : Sh. Saumya Jain, Ld. Counsel for the plaintiff through
VC.

Sh. Saurabh Rastogi, Ld. Counsel for the defendant.

Reply to the application under Order VII Rule 14 read with Section 151 CPC has been filed on behalf of the defendant.

Order on application under order VII Rule 14, r/w section 151 of CPC:-

1. The plaintiff has filed the present application under Order VII Rule 14 read with Section 151 CPC seeking permission to place additional documents on record for the just and fair adjudication of the present suit. It is stated that the facts and circumstances of the case are not being repeated for the sake of brevity and that the contents of the plaint may be read as part of the present application. The plaintiff seeks to place on record the certified copies of the front and reverse sides of cheque No. 001616 dated 21.04.2022 and the tracking report of the legal notice dated 23.05.2022. It is submitted that vide order dated 16.04.2024, Court had directed the plaintiff to produce the original cheque bearing No. 001616 dated 21.04.2022. However, the original cheque had already been filed before the learned JMFC (NI Act)-01, East, Karkardooma Courts, Delhi, in CC NI Act No. 2016 of 2022, whereupon the erstwhile counsel for the plaintiff had filed an application under Order XIII Rule 10 read with

Section 151 CPC for summoning the said record. It is further submitted that the said application was withdrawn on 30.07.2024 on the undertaking of the erstwhile counsel, as recorded separately and noted in the order of the same date. The plaintiff engaged the fresh legal counsel on 18.07.2025, who entered appearance on 19.07.2025, and it is stated that the undertaking given by the erstwhile counsel was not within the knowledge of the present counsel. Thereafter, part arguments on the defendant's application seeking condonation of delay in filing leave to defend were heard on 20.09.2025 and 18.11.2025. During the course of arguments, learned counsel for the defendant submitted that the tracking report of the legal notice dated 23.05.2022 and the original cheque bearing No. 001616 were not on record. In response, learned counsel for the plaintiff informed the Court that a certified copy of the cheque was already on record and that the original cheque as well as the tracking report of the legal notice formed part of the record of CC NI Act No. 2016 of 2022 pending before the learned JMFC (NI Act)-01, East, Karkardooma Courts, Delhi. It is further submitted that the defendant's counsel contended that the reverse side of the cheque was relevant for adjudication of the present matter. Accordingly, without prejudice to the plaintiff's case and with a view to facilitating the expeditious and fair disposal of the suit, certified copies of the aforesaid documents were obtained and filed vide Diary No. ADL20240014842D202600012 in DLET010016882024 on 26.01.2026, and a soft copy of the list of additional documents was supplied to the defendant through email dated 24.01.2026. It is

further averred that the plaintiff has a prima facie case in his favour and would suffer grave prejudice if the application is not allowed. It is also submitted that the additional documents had already been filed before the learned JMFC (NI Act)-01, East, Karkardooma Courts, Delhi, in CC NI Act No. 2016 of 2022 and were, therefore, already within the knowledge of the defendant, who is the accused in the said proceedings. It is further submitted that the defendant's application seeking condonation of delay in filing leave to defend is still pending adjudication and, therefore, the defendant has not yet acquired the right to present his defence in the present suit. Consequently, no prejudice would be caused to the defendant if the present application is allowed. It is lastly submitted that the balance of convenience lies in favour of the plaintiff, irreparable loss and injury would be caused to him if the application is dismissed, the application has been filed bona fide and in the interest of justice, and the plaintiff accordingly prays that the additional documents mentioned above be permitted to be taken on record.

2. The defendant, in the reply, has raised preliminary objections stating that the present application is wholly misconceived, not maintainable and liable to be dismissed at the threshold, having been filed with the ulterior motive of filling up lacunae in the plaintiff's case and overcoming deficiencies in the plaint and the documents already on record. It is submitted that the plaintiff has failed to disclose any sufficient or bona fide reason for not filing the alleged additional documents along with the plaint despite the

documents admittedly being in existence and within the plaintiff's knowledge and possession since the inception of the proceedings. It is further contended that the plaintiff cannot be permitted to improve or rebuild his case at a belated stage by filing additional documents under the guise of the present application, as the provisions of Order VII Rule 14 CPC cannot be invoked to cure inherent defects and omissions in the plaintiff's case. The application is stated to be vague, ambiguous and devoid of material particulars, as the plaintiff has failed to explain why certified copies of the alleged documents were not obtained earlier despite the pendency of the suit since the year 2024. It is further alleged that the plaintiff has deliberately suppressed material facts from the Court, inasmuch as the original cheque and other documents were admittedly already part of the proceedings pending before the learned JMFC (NI Act), Karkardooma Courts, yet the plaintiff failed to place complete and proper documents on record before this Court at the appropriate stage. It is also contended that the application has been filed only after objections were raised by the defendant during the course of arguments, which clearly demonstrates that the plaintiff seeks to rectify the shortcomings in his case after becoming aware of the weaknesses in his pleadings and documents. It is further submitted that allowing the application at this stage would cause serious prejudice to the defendant by granting the plaintiff an unfair opportunity to fill up lacunae after the commencement of the proceedings. The defendant further contends that the plaintiff has not approached the Court with clean hands and is, therefore, not

entitled to any discretionary relief under Section 151 CPC. It is also submitted that under the guise of the order dated 16.04.2024, the plaintiff cannot be permitted to file any other documents at this belated stage, as the said order merely directed the plaintiff to place on record the original cheque and the original agreement and did not grant any liberty to file any additional documents beyond those directions. In reply on merits, the defendant states that the contents of paragraph 1 of the application are matters of record requiring no reply. The contents of paragraph 2 are denied to the extent they are contrary to the record and the submissions made in the reply, and the plaintiff is put to strict proof thereof. The contents of paragraph 3 are denied on the ground that the documents sought to be placed on record were admittedly available to the plaintiff from the very beginning and no sufficient explanation has been furnished for their non-filing along with the plaint. The contents of paragraph 4 are stated to be matters of record; however, it is denied that the plaintiff exercised due diligence, as he was fully aware that the original cheque was allegedly filed before the learned JMFC (NI Act) but failed to take appropriate steps within a reasonable time. The contents of paragraph 5 are denied, and it is submitted that a mere change of counsel does not constitute sufficient cause for permitting additional documents to be taken on record at such a belated stage and that the alleged lack of knowledge of the present counsel cannot prejudice the rights of the defendant. The contents of paragraph 6 are stated to be matters of record requiring no reply. The contents of paragraphs 7 and 8 are denied, and it is specifically contended that

filing certified copies at this stage is neither necessary for the fair adjudication of the suit nor justified, and that the plaintiff is merely attempting to improve his case after the objections raised by the defendant during the course of arguments. The contents of paragraph 9 are also denied on the ground that mere supply of documents through email does not cure the procedural lapses and delay on the part of the plaintiff. The contents of paragraphs 10, 11 and 12 are denied as false, and it is submitted that no prejudice would be caused to the plaintiff if the application is dismissed, whereas grave prejudice would be caused to the defendant if the plaintiff is permitted to fill up the lacunae in his case at such an advanced stage. The contents of paragraph 13 are also denied as being incorrect, and it is submitted that the application is neither bona fide nor filed in the interest of justice. Accordingly, the defendant has prayed that the application filed by the plaintiff under Order VII Rule 14 read with Section 151 CPC be dismissed and the prayer for taking the additional documents on record be rejected.

3. Learned counsel for the plaintiff addressed arguments in support of the present application and reiterated the averments made therein. It was submitted that the additional documents sought to be placed on record are relevant and necessary for the just and effective adjudication of the present suit and that no prejudice would be caused to the defendant if the same are taken on record.

4. Learned counsel for the defendant opposed the application and argued on the lines of the reply filed on behalf of the defendant. He reiterated the objections raised therein and submitted that the application has been filed only to fill up the lacunae in the plaintiff's case and, therefore, deserves to be dismissed.

5. I have heard the learned counsel for both the parties, carefully perused the record and considered the submissions advanced as well as the relevant provisions of law.

6. The present suit has been instituted under Order XXXVII CPC. At this stage, the matter is pending adjudication on the defendant's application seeking leave to defend along with the application for condonation of delay in filing the said application. By way of the present application, the plaintiff seeks to place on record the certified copies of the front and reverse sides of cheque No. 001616 dated 21.04.2022 and the tracking report of the legal notice dated 23.05.2022. The documents sought to be placed on record appear to have a direct bearing on the controversy involved in the present suit/application for leave to defend and would facilitate the effective and complete adjudication of the issues arising for consideration. No irreparable prejudice would be caused to the defendant merely by taking the said documents on record. Procedural law is intended to advance the cause of justice and not to thwart it. Accordingly, this Court is of the considered view that the

ends of justice would be better served by permitting the plaintiff to place the said documents on record.

In view of the foregoing discussion, the application is allowed. The additional documents filed along with the application are taken on record.

7. **The application stands disposed of.**

8. Put up for arguments on all the pending applications on **07.09.2026.**

(Vikas Garg)
DJ-05/East/KKD
Delhi/20.07.2026