

24.12.2025

Present: Sh. Agredeep Goel, Ld. Counsel for the plaintiff.  
Defendant no.1 in person with Ld. Counsel Sh. Nasir Ali.

Ld. Counsel for plaintiffs submitted that plaintiff do not wish to file reply to the application of defendant no.1 seeking permission to bring on record some documents and he is ready to advance arguments straight away.

Arguments heard on aforesaid application.

Be put up for order in post lunch session.

(Ravinder Singh - I)  
District Judge-03  
East District, KKD Courts,  
Delhi, 24.12.2025

In post lunch session.

Present: None.

Vide this order, I shall dispose off the application of defendant no.1 under Order XIII rule 2 read with Section 151 CPC to bring on record additional documents.

Defendant no.1 in his application stated that he has filed his written statement wherein reference has been made to certain crucial documents which are essential and relevant for substantiating his defence and for proper adjudication of issue involved as those documents will go to the root of his defence. The documents are Will of his late father dated 15.11.2016, cremation ground receipt pertaining to his late father and

death certificate of Smt. Bittan and his Aadhar card. Defendant no.1 stated that at the time of filing of written statement the documents were misplaced and after throw search the said documents are located recently. So he acted with due diligence and without any intentional delay has filed this application to bring the said documents.

Ld. Counsel for plaintiff strongly opposed the application particularly for Will dated 15.11.2026 executed by late father of defendant no.1 stating that same has not been filed at appropriate stage so plaintiff has not get opportunity to make pleadings in this regard.

I have already heard the arguments. Case file perused.

Plaintiff no.1 is widow of Nathu Ram who is son of Bandhu Ram whereas other plaintiffs no. 2 to 6 are children of plaintiff no.1 and late Sh. Nathu Ram. Plaintiffs have filed the suit for partition against LR of Bandhu Ram. Defendant no.1 filed written statement wherein he has specifically pleaded that his late father has executed a Will in his favour on 15.11.2016. He also stated in his written statement that his late father bequeathed his all his movable and immovable properties in his favour and therefore, plaintiff has no right in the properties of his father.

It is noted that defendant no.1 filed his written statement on 29.03.2022. During trial one of the defendant Smt. Bittan has expired on 19.10.2021. It is pertinent to note that plaintiff filled an application u/o I rule 10 read with Section VI rule 17 CPC on 31.03.2022. The said application has been disposed off as allowed vide order dt. 07.09.2022 and amended plaint is taken on record. As regard to Will dt. 15.11.2016, there is specific pleading of defendant no.1 in the written statement so it is not surprised document for the plaintiffs. Further, issue no.6 specifically framed regarding Will dated 15.11.2026 vide order dt. 22.11.2022. Plaintiffs have every right to cross

examine the witnesses in regard to the document which plaintiff wants to place on record.

In view of above, I am of considered view that the documents are relevant to just and proper disposal of the case. Hence, the aforesaid application of the defendant is disposed off as allowed subject to cost of Rs.5,000/- to be paid to plaintiffs on next date of hearing as delay has been caused in the disposal of the matter. All the documents are taken on record.

Put up for DE on **18.02.2026**.

(Ravinder Singh - I)  
District Judge-03  
East District, KKD Courts,  
Delhi, 24.12.2025