

11.10.2022

Present: Shri Naveen Singhla, Ld. counsel for plaintiff.
Shri Deepak Arora, Ld. counsel for defendants.

Ld. counsel for plaintiff submits that there is an application u/o 7 rule 14 r/w section 151 CPC is pending for adjudication.

Arguments heard on the said application.

Order on IA u/o 7 rule 14 r/w section 151 CPC.

It is submitted by Ld. counsel for plaintiff that plaintiff has filed suit for possession, declaration and permanent injunction against the defendants. It is further submitted that plaintiff wants to file the certain documents as mentioned in the application on record. It is also submitted that these documents are very necessary for just adjudication of the present case. Applicant/ plaintiff shall suffer irreparable loss and injury if the present application is not allowed. Hence, it is prayed for allowing the same.

Per contra, Ld. counsel for defendants has vehemently opposed the said application. It is submitted that matter is at the stage of plaintiff's evidence and present application be dismissed as the same has been filed at belated stage.

Record perused. Considered. It is pertinent to mention that issues were framed vide order 19.11.2020 and matter is at the stage of PE, however, PE is yet to be conducted. It is settled law that procedural and technical hurdles shall not be allowed to come in the way of the court while doing substantial justice. If the procedural violation does not seriously cause prejudice to the adversary party, courts must lean towards doing substantial justice rather than relying upon procedural and technical violation. We should not forget the fact

that litigation is nothing but a journey towards truth which is the foundation of justice and the court is required to take appropriate steps to thrash out the underlying truth in every dispute. Therefore, the court should take a lenient view when an application is made for production of the documents.

It is also pertinent to mention that if the defendant has any grievance in filing of the above said documents then he shall have ample opportunities to cross examine the witnesses during the evidence to rebut the relevancy of these documents. This court is of the view that without prejudice to the rights and contentions to the parties, these documents can be taken on record. Considering the submissions made as well as facts and circumstances of the case, present application u/o 7 rule 14 r/w section 151 CPC stands disposed off as allowed.

Documents as mentioned in the application are taken on record.
Put up for PE on 12.01.2023.

(Rajesh Kumar)
Additional District Judge-03
East/Karkardooma/Delhi
11.10.2022