

S New No.1771/16/15

Old No.271/15/15

Ram Naresh Yadav v. Shiv Kali & Ors.

24.11.2017

Present : Sh. S H Khan, ld. counsel for plaintiff.

Sh. Ashok Arya, ld. counsel for defendants No.1 to 3 alongwith defendant No.1.

Two applications are pending; one for placing on record 'Jot Bahi', moved by the plaintiff U/s 151 CPC and ld. counsel for defendants no.1,2&3 has filed reply thereto, objected the application on the grounds of delay and laches, also without any cogent reason, and further the document itself being irrelevant, on the other hand, it is submitted that the name of the father of the plaintiff Sh. Ram Naresh Yadav has to be established, but, it is not clear, as to why the document itself was not filed alongwith the plaint, and further the statement of PW1 Sh. Virender Kumar, UDC has already been recorded in the matter, and even, affidavit of plaintiff has been filed, as evidence. I do not find any justification to allow the application at this stage, however, plaintiff is at liberty to establish the nomenclature by other evidence, if admissible and allowed under the law, application, is therefore, rejected.

Another application is for production of original documents of title in respect of suit property bearing No.21/235, measuring 25 sq. yards, situated at Trilokpuri, Delhi-91. However, in reply, the defendants No.1,2&3 have already stated

that whatever document was available with them in respect to the title of the above stated suit property, was filed before Ld. court of Sh. V.K.Goyal, the then ADJ, Delhi and Sh. Arya now submits that defendant has no other document. Defendants No.1,2&3 are now directed to submit an affidavit with copy in advance to Sh. Khan, in terms of Order 11 Rule 9 CPC in Form No.3 in Appendix 'C' within a month.

To come up on 27.01.2018 for RPE.

PW Sh. Ram Naresh Yadav shall be present.

Advance copies of affidavits of PWs, if any, be supplied to ld. counsel for the defendant against receipt, and atleast a week before the next date of hearing.

(Sanatan Prasad)
Additional District Judge-01
(East)/KKD/Delhi / 24.11.17