

12.03.2024

Present: Sh. Durgesh Pal Ld. Counsel for plaintiff (through VC).

Sh. Prateek Mehta Ld. Counsel for defendant (through VC).

Further arguments heard on the application u/o 7 Rule 14 CPC filed on behalf of the plaintiffs.

1. Heard on application filed on behalf of the plaintiffs under Order VII Rule 14 of CPC seeking permission to place certain transactions from Whatsapp Chat, on record.

2. It is submitted by Ld. Counsel for plaintiff that permission for filing certain transactions from Whatsapp Chat which prove the version of the plaintiff regarding the allurements made by the defendants to the investment of big amount, hence the documents alongwith the certificate under section 65-B are relevant documents for just decision of the present suit. It is further submitted that the aforesaid chat is necessary to prove this case and not inconsistent with the pleadings. Non filing of the above mentioned document is neither intentional nor deliberate as the same was earlier not in possession of the plaintiffs and obtained through backup proceedings from Whatsapp chat and no prejudice shall be caused to the other side by filing the above said chat.

3. Reply to the application was filed by the defendant. It is averred that present application is not maintainable as the documents sought to be filed are forged and fabricated documents generated by the plaintiff no.1 & 2 and there is no reason assigned as to why the documents are sought to be placed on record, was not filed alongwith the plaint. It is further averred that plaintiffs cannot be allowed to file the aforesaid documents at this belated stage as plaintiffs after seeing the defence of the defendants are trying to fill the lacuna which would also cause delay and would seriously cause irreparable loss to the

defendants. It is therefore prayed that the application filed by the plaintiff be dismissed with exemplary costs.

4. Perusal of record reveals that the documents sought to be placed on record are not beyond pleadings. Further the present matter is still at the initial stage where the same is pending for P.E. As such, the evidence of the parties is yet to commenced. The defendants have enough opportunity to cross-examine the plaintiff in respect of additional documents.

5. It is settled law that rules and procedures are handmaid of justice. 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 caused prejudice to the adversary party, courts must lean towards doing substantial justice rather than applying upon procedural and technical violation. We should not forget the fact that the 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 underline truth in every dispute.

6. In view of the above, after considering the submissions made as well as facts and circumstances of the case, the present application under Order VII Rule 14 of CPC filed on behalf of plaintiffs is hereby allowed subject to cost of Rs. 3,000/- to be deposited by the plaintiffs with legal aid. Consequently, the documents i.e. Whatsapp chats alongwith certificate u/s 65B of Indian Evidence Act are taken on record.

Put up for P.E. on 25.04.2024.

(Pooja Jain)
Addl. District Judge-03
East/KKD Courts/Delhi
12.03.2024