

23.01.2025

Present: Plaintiff in person.

Shri Vipin Kumar, Id. Counsel for D-1 & 2 through VC.

None for defendant no.3 and 4.

Perusal of record reveals that V/nama on behalf of defendant is not on record.

Ld. Counsel for defendant no.1 & 2 is directed to file the v/nama on record. It is further perused that application u/o 7 rule 14 (3) r/w Section 151 CPC filed on 30.03.2024 is pending adjudication.

Perusal of record also reveals that none has been appearing on behalf of defendant no.3 & 4 from several dates. Even today, none has appeared on behalf of defendant no. 3 & 4 since morning. In view of the same, **defendant no. 3 & 4 are proceeded ex-parte.**

Arguments heard on the application u/o 7 rule 14 (3) r/w section u/s 151 CPC filed by plaintiff on 30.03.2024.

Order on IA u/o 7 rule 14 (3) r/w section 151 CPC filed on 30.0.

It is submitted that plaintiff wants to file certified copy of 2nd Civil Suit bearing no. 712 alongwith the document which were not in his possession, he got certified copy on 02.03.2024. It is further submitted that father of plaintiff executed a registered Will dated 26.12.2022 regarding all his self acquired properties in favour of the plaintiff as the father of the plaintiff had strong apprehension that the defendant no.1 & 2 may dupe, defraud the plaintiff. The defendant no.1 filed a false Civil Suit 712/23 alongwith affidavit on 22.09.2023. It is further submitted that plaintiff wants to file the certified copy of above said civil suit on record. Therefore, it is requested that above

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said documents be taken on record. Plaintiff by way present application is also seeking another prayer that to club the Civil Suit bearing No. 712/23 with the present suit. Hence, the present application is filed.

Reply to the application has not been filed by the defendant no.1 & 2, however, ld. Counsel for defendants submits that he shall straightaway argue on the same. Ld. Counsel for defendants has vehemently opposed the present application and submitted that present application is liable to be dismissed as documents are not necessary and not relevant to the present case. It is further submitted that plaintiff is delaying the matter by filing applications to place the documents on record again and again and prayed that present application be dismissed.

Heard. Record perused and considered.

Plaintiff has filed the present suit for recovery of possession and permanent injunction and mesne profits/ damages in the year 2023. Issues were framed in the matter vide order dated 08.01.2024. Matter is at the stage of PE and plaintiff's evidence is yet to be conducted. No prejudice would be caused to the defendants if the documents as alleged in the application are taken on record as they have ample opportunities to cross examine the plaintiff concerning the said documents. Plaintiff is also seeking the clubbing of connected suit bearing CS No. 712/23 which is pending before the Court of Sh. Mohammad Ehtesham, Ld. ADJ, Shahdara District. It is pertinent to note here that since the said matter is pending in the jurisdiction of Shahdara District, the relief to the present case as the present case pertains to East District.

It is pertinent to mention here that rules and procedure are the 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 cause prejudice to the adversary party, courts must

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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. It is pertinent to mention here that plaintiff has filed an application u/o 7 rule 14 (3) r/w section 151 CPC on 17.11.2023 which was allowed vide order dated 21.11.2023. Thereafter, plaintiff has filed another application u/o 7 rule 14 (3) r/w section 151 CPC on 10.10.2023 which pending for adjudication. Now the plaintiff is pressing the present application u/o 7 rule 14 (3) r/w section 151 CPC for taking on record above said documents. Plaintiff has filed three separate applications again and again for taking on record different documents so far. In view of above as well as facts and circumstances of the present case, the present application is being disposed off with the following order:

ORDER

The application u/o 7 rule 14 (3) r/w section 151 CPC is partly allowed subject to cost of Rs.2000/- to be paid to the defendant no.1 & 2. The documents as alleged in the application are taken on record. Defendants are at liberty to file additional written statement if any on record.

Put up for PE on 28.02.2025.

(Pooja Jain)
District Judge-03/NB
East/KKD Courts/Delhi
23.01.2025