

JAGDISH SINGH Vs. RAJENDER RATHORE

11.03.2025

Present : Sh. Alok Chaudhary, Ld. counsel for the plaintiff through VC.
Sh. Ashish Dingra, Ld. counsel for the defendant no. 1 through VC.
Sh. Prem Babu Rathore, SPA of the defendant no. 1 in person.

Order on the Application of Defendant No. 1 under Order 8 Rule

1A CPC:-

Through this application, Defendant No. 1 seeks to bring on record old electricity bills to establish his possession of the suit property. He asserts that these bills were not traceable at the time of filing the written statement. Additionally, he seeks to place on record a video and certain photographs to demonstrate alleged collusion between the plaintiff and Defendant No. 2.

The application was opposed on multiple grounds, including that the documents were beyond the scope of pleadings, lacked a proper supporting affidavit, and were inadmissible for various reasons. The plaintiff also contended that the documents were forged and fabricated.

I have carefully considered the arguments advanced by both parties, examined the case records, and taken into account the relevant legal principles and precedents.

It can be determined at the time of final arguments whether the facts sought to be introduced by the defendant no. 1 through these documents fall under "Facta Probanda" or "Facta Probantia". Not all purely evidentiary facts need to be specifically pleaded.

At this stage, the court cannot assess the genuineness or admissibility of the documents. The defendant retains the right to raise appropriate objections at the relevant stage. Merely taking the documents on record does not equate to their automatic proof—the onus remains on the

defendant to establish their authenticity and relevance in accordance with the law. Since the matter is still at the stage of defense evidence, any delay in filing can be condoned upon payment of costs. The rules of procedure are meant to serve the ends of justice and should not act as a barrier to the fair adjudication of disputes.

In view of the above, as well as the facts and circumstances of the case, the application of Defendant No. 1 under Order 8 Rule 1A CPC is allowed to the extent that the bills, photographs, and pen drive are taken on record, subject to the payment of costs of ₹2,000/- by Defendant No. 1 to the plaintiff. The application stands disposed of.

Put up for Defense Evidence (DE) on **22.04.2025**.

(Vikas Garg)
DJ-05/East/KKD
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