

CS No. 58371/16
Meenakshi Bhasin Vs. Geeta Panhani and Ors.

25.01.2024

Present : Mr. Shirsh Kumar, Ld. Counsel for the plaintiff.
Mr. Rohit Kumar, Ld. Counsel for the defendant
no. 1.
None for the remaining defendants.

Receipts of deposit of cost of Rs.25,000/- are filed by
Ld. Counsel for the plaintiff.

Ld. Counsel for the defendant no. 1 submits that he has
received the remaining cost of Rs.25,000/-.

Affidavit of service upon defendants no. 1, 2 and 3 is filed
by Ld. Counsel for the plaintiff.

It is stated in the affidavit that defendant no. 2 could not be
served.

Ld. Counsel for the plaintiff submits that defendant no. 2
has not been appearing. He states that the appearance of Mr. G.P.
Pant recorded in the order sheets has been incorrectly done.

Ld. Counsel for the defendant no. 1 submits that Mr. G.P.
Pant was his junior advocate and was representing only
defendant no. 1.

Certified copies of documents are filed by Ld. Counsel for
the plaintiff.

The application of the plaintiff under Order 7 Rule 14 (3)
r/w Section 151 CPC for placing on record certified copies of
documents is taken up for consideration.

It is submitted that the documents which are now sought to be placed on record form part of another suit instituted by the defendant no. 1 herein against the plaintiff in the present case and other persons.

It is submitted that evidence in both the case is being recorded together by the same Local Commissioner.

It is stated that the documents of that other suit do not form part of record of the present case.

It is stated that these documents are relevant and should be taken on record.

It is averred that the defendant no. 1 is aware of these documents and therefore, no prejudice will be caused to her if these documents are taken on record at this belated stage.

Application is opposed by Ld. Counsel for defendant no. 1. He submits that it was way back in the year 2012 that evidence by way of affidavit of the plaintiff was filed, in which reference was made to the documents which are now being sought to be placed on record. He submits that from 2012 till now, the plaintiff did not take any step to bring on record these documents.

He also submits that it was way back in the year 2019 that an adjournment was sought by the plaintiff before the Local Commissioner for the purpose of bringing on record these documents.

He states that from 2019 till now, no steps were taken to bring on record the documents. He also points out that the application under consideration is dated 10.01.2024, but was filed after a delay, on 20.01.2024.

He states that the plaintiff has not been pursuing her case diligently and the documents are being placed on record after substantial delay.

Per contra, Ld. Counsel for the plaintiff submits that for the delay caused by the plaintiff, cost has already been imposed upon the plaintiff and the defendant no. 1 has been compensated in monetary terms.

He states that he was engaged by the plaintiff only recently and he had first entered appearance in the present case only on 05.12.2023, after which there has been no delay on part of the plaintiff.

Arguments have been heard and record has been perused.

There is no gainsaying the fact that there has been substantial delay caused by the plaintiff to the disposal of the present case. However, the right of the plaintiff to lead evidence has still not been closed and the case is still at the stage of plaintiff's evidence.

Efforts should be made by the Court to decide the case on merit after permitting the parties to rely on all relevant documents.

Relevance of the documents has not been disputed by the defendant no. 1.

The only grievance of the defendant no. 1 is that the documents are being filed belatedly.

A lenient view is taken and the application of the plaintiff under Order 7 Rule 14 (3) r/w Section 151 CPC is allowed. The documents filed today are taken on record. However, it is made

clear that not a single adjournment shall be granted by the Local Commissioner to the plaintiff for recording of her evidence.

To come up for final arguments on the date already fixed i.e. 03.04.2024. Copy of this order be given dasti to the Ld. Counsels for bringing it to the notice of the Local Commissioner.

At the request of Ld. Counsel for defendant no. 1, it is clarified that taking on record the documents does not mean that the plaintiff is not required to prove the documents in accordance with law.

(Shirish Aggarwal)
Additional District Judge-03
Patiala House Courts, New Delhi
25.01.2024