

CS No. 58565/16  
MEENAKSHI DUBEY Vs. PANKAJ AGGARWAL

27.05.2024

Present : Mr. Pushkar Sood and Mr. Satya Prakash Singh, Ld. Counsel for the plaintiff along with plaintiff in person.

Mr. Rajesh Gupta, Ld. Counsel for the defendant no. 4.

Part arguments of Ld. Counsel for the plaintiff are heard.

At this stage, an application under Order 8 Rule 1A read with Section 151 of CPC for permission to place on record conveyance deed dated 05.07.2004 is filed by Ld. Counsel for defendant no. 4. Copy is supplied.

Application is taken up for consideration.

It is stated in the application that the need for filing the conveyance deed has arisen because of the unorthodox arguments of the Ld. Counsel for the plaintiff which are *de hors* the pleadings and beyond the scope of the suit.

It is averred that for a meaningful and just adjudication of the suit, it is essential for the Court to consider the conveyance deed, which is a document admitted by the plaintiff and which led to the execution of gift deed dated 23.12.2004.

It is submitted that the conveyance deed has been referred to in the affidavit of DW-1 which has been tendered in evidence. It is argued that DW-1 was not subjected to cross-examination with regard to the document.

Contd...2/-

It is stated that the conveyance deed is a public document and its genuineness and authenticity cannot be doubted. It is averred that both parties are in possession of the said document. It is prayed that the document be taken on record.

Application has been opposed by Ld. Counsel for the plaintiff. He has submitted that no explanation has been given for filing the document at an earlier stage.

Arguments are heard and the record is perused.

Evidence of the defendant was recorded and closed in October 2023. Since the last many dates of hearings, final arguments are being addressed. Even today, after part arguments were addressed by the Ld. Counsel for the plaintiff, the present application has been filed. It is at this stage that the defendant wishes to place on record the document in question. In case the application is allowed, the case will be relegated back to the stage of recording of evidence.

If certain arguments have been made which are beyond the pleadings, it is obvious that the Court will not consider those arguments. However, the Court cannot permit filing of additional documents merely on the ground that certain arguments are being made which are beyond the pleadings. No justification has been given for not filing the documents along with written statement or at any time while the evidence was being recorded. Present case has been pending since the year 2011 and therefore should be decided expeditiously.

Application is dismissed.

At this stage, Ld. Counsel for the plaintiff submits that the above application is not accompanied with an attested

affidavit. He states that the defendant is a resident of Canada.

Since the application has already been dismissed, no further observations need to be made with regard to the application.

Further final arguments are heard in part.

It is 4:00 p.m.

To come up for further arguments on 28.05.2024 at 2:15 p.m.

(Shirish Aggarwal)  
District Judge-03  
Patiala House Courts, New Delhi  
27.05.2024