

CS No. 58586/16
Rama Dhawan Vs. Sh. Naresh Kumar

ORDER

1. By way of this order, I shall dispose of the application moved on behalf of LR of plaintiff for filing additional documents under Order 7 Rule 14 of CPC.

2. Arguments on the application have already been heard.

3. It is submitted by Ld. Counsel for the plaintiff that the matter is at the stage of plaintiff's evidence and during the course of cross-examination certain new facts regarding the status of Dhawan Optical Industries emerged out. It is further submitted that plaintiff/applicant was minor at the time of filing of the suit and was not aware of the fact and relevancy of the documents and upon asking of the counsel she placed the documents on record as acquired and possessed by her after the demise of her father. It is further submitted that the documents were lying in the locker/almirah belonging to the father of the applicant and due to the sentimental values, the applicant refrain from opening the same. It is further submitted that during the cross-examination when she was asked by the counsel regarding the file and the documents maintained at the time of filing of the suit, certain documents and file were placed before the counsel and after due scrutiny of the documents certain documents were found material and relevant to the present proceedings and hence the present application to place on record certain relevant documents which

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belong to defendant no. 1 and his mother and the respective correspondence made by defendant no. 1 and his mother with the grandfather of the applicant/plaintiff. It is further stated that the proposed documents shall strengthen the case/claim of the applicant/plaintiff. It is further submitted that the defendant no. 1 with oblique motive dispose of the shares of plaintiff's grandfather and plaintiff's grandmother was kept under dark with respect to her share in the suit property which was deceitfully disposed of by defendant no. 1.

4. Application is highly opposed by Ld. Counsel for defendant no. 1. It is argued by Ld. Counsel for defendant no. 1 that present suit was filed on 23.04.2007 and the plaintiff had filed the relevant documents along with the record. It is further submitted that plaintiff filed its amended plaint on 06.09.2008 and the written statement was accordingly filed by defendant no. 1 and the documents relied upon by defendant no. 1 also filed. It is further submitted that in July 2010 admission and denial of documents took place and the plaintiff led the evidence through PW-1 on 24.08.2025. It is further submitted that PW-1 was partly cross examined also and now after 18 years of filing of the suit present application for placing on record some additional documents is moved. It is argued that law of limitation has its utmost significance. It is further argued that if the plaintiff is permitted to place additional documents on record the same shall cause serious prejudice to the non-applicants. It is further submitted that the written statement was filed by defendant no. 1

almost 17 years back and if the plaintiff is allowed to place on record the additional documents, the same shall cause serious effect on the defence of defendant no. 1. It is further argued that the documents which PW-1 wants to place on record were admittedly available with her/plaintiff since the time of filing of the suit and no satisfactory reason is given on behalf of PW-1 for not filing these documents at any prior stage. It is further argued that it is only during the cross-examination of PW-1 when she was asked about the documents, she has come up with the present application which is only an afterthought and the documents which PW-1 wants to place on record are unbelievable and bogus. It is further argued that these documents which the plaintiff wants now to place on record were never filed by the plaintiff along with the plaint despite allegedly having the custody of said documents and thus now at this stage PW-1 should not be granted any permission to place on record additional documents. It is also stated that it cannot be believed that applicant/PW-1 in good faith found the documents which were never being mentioned by the plaintiff since the filing of the present case.

5. Ld. Counsel for the defendant no. 1 has relied upon *Asia Pacific Breweries Vs. Superior Industries* 158 (2009) Delhi Law Times 670 wherein it was held by Hon'ble High Court of Delhi that

“...The issues are not only framed out of the pleadings but also out of the documents relied upon by the

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parties. The sole purpose of this provision stands defeated if the majority of documents are withheld by either of the parties and the documents are sought to be sneaked into at the time of evidence. If new documents are allowed to be filed by one party, again a de novo trial has to be started since in response to the documents filed by one party, the other party is to be given a chance to file documents in rebuttal and this leads to a fresh trial..”

6. Ld. Counsel for the defendant no. 1 has also relied upon *Polyflor Limited Vs. Sh. A.N. Goenka & Ors.* (2016) 5 AD (Delhi) 168 wherein it was held by Hon’ble High Court of Delhi that

“..In the present case, the plaintiff’s witness PW-1 is under cross-examination and has already undergone a substantial portion of his cross-examination. To grant leave to, and permit the plaintiff to file and lead in evidence additional documents at this stage would mean that the defendants would be put to serious prejudice. The defendants have not had the occasion to deal with the said documents. Had the documents now sought to be produced, been produced at the relevant time, i.e. at the stage of filing of the suit, or at least at the time when the issues were framed, the defendants would have had the occasion to deal with the same by making appropriate pleadings and

filing its own documents to counter the reliance placed by the plaintiff on the documents in question.

18. The progress of the suit cannot be interdicted on account of the blatantly casual approach of the plaintiff. The plaintiff has not given any justifiable and acceptable explanation for not filing the said documents at the earlier stage of the proceedings. If the submissions of the plaintiff were to be accepted, it would mean that in every case, a party should be permitted to lead in evidence documents not earlier filed and relied upon at any stage of the proceedings...”

7. The arguments addressed on behalf of both the parties are taken into consideration. Record perused.

8. The LR of plaintiff/PW-1 has alleged that the documents which she wants to place on record were found by her in the almirah at home. No reason is given by PW-1 as to why these documents were never been mentioned by plaintiff/PW-1 at the time of filing of suit or at any later stage. Filing of documents at the middle of cross-examination appears to be an afterthought. In case PW-1 is allowed to place on record the additional documents at this stage, same shall cause serious prejudice to the defendants. Further, since plaintiff has never claimed to be in possession of such documents since the time of filing of the suit and even if such documents were available with plaintiff since before, plaintiff should have been diligent enough to file the same at

proper stage. As plaintiff/PW-1 have failed to show any diligence in filing the alleged documents and allowing of this application would seriously effect the rights of opposition party at this stage of the case, hence, the present application stands disposed of as not allowed.

*(Announced in the open Court
on 28.10.2025)*

**(Meenu Kaushik)
District Judge-03
Patiala House Courts, New Delhi District
New Delhi**