

**IN THE COURT OF MS. MEENU KAUSHIK: DISTRICT
JUDGE – 03: NEW DELHI DISTRICT: PATIALA HOUSE
COURTS : NEW DELHI**

CS 58586/2016

Rama Dhawan

Versus

Naresh Kumar & Ors.

21.01.2026

ORDER:

1 By way of this order, I shall dispose of the application moved on behalf of plaintiff u/S of 151 CPC for summoning the record from office of DDA. Arguments on the application have already been heard. Record perused.

2 It is submitted by Id. Counsel for plaintiff that issue under adjudication before this court is with respect to an Industrial DDA Shed/ plot which was originally allotted to Dhawan Optical Industries being Hindu Undivided Family. The grand father of the plaintiff late Sh. R.K. Dhawan had stakes in the same and which was subsequently confirmed in the rule of court by the Hon'ble High Court vide its order dated 14.09.1972. It is further stated that mother of defendant No.1 had entered into one deed of agreement dated 11.02.1974 with the grand father of plaintiff/applicant. It is further stated that the entire relevant record with respect to allotment of industrial plot is with the DDA, however despite serving notices u/O 12 Rule 8 of CPC on several times DDA has not produced the record and thus the present application is moved seeking directions to DDA to

produce the relevant record which are required to be put to the witness who is under cross examination. It is further stated that defendant No.1 has willfully withhold the relevant record which is required to be produced from DDA. It is further stated that one application for placing on record the available documents with the plaintiff was dismissed by the court and thereafter when the said documents were put to defendant No.1/DW-1 during cross examination he denied the said documents involving the process of allotment and the correspondence made by his mother to his Uncle. It is further stated that the requisite record is relevant for just and proper adjudication of the case. In support of its case, plaintiff has relied upon ***Mohammed Abdul Wahid Vs. Nilofer & Anr.*** decided by Hon'ble Supreme Court of India on 14.12.2023.

3 Contrary to this, it is submitted by Id. Counsel for defendant No.1 that present application is not maintainable as by way of present application the plaintiff is seeking to produce the additional documents on record for which the application has already been dismissed by court vide order dated 28.10.2025. It is further stated that present application is not maintainable in view of settled law of res judicata. Id. Counsel for defendant No.1 has relied upon ***Sulthan Said Ibrahim Vs. Prakasan & Others*** decided by Hon'ble Supreme Court of India on 23.05.2025 wherein the subsequent application seeking similar relief was held to be barred by res judicata. It is further argued that as per the own case of plaintiff the document which plaintiff earlier wanted to place on record and now wanted to summon from office of DDA were available with the plaintiff since the time of filing of the suit i.e. in the year 2007. It is further stated that additional documents were filed by plaintiff in July, 2010

and admission and denial of documents was conducted in July, 2010. However, no application during that period was moved by plaintiff to place the documents on record which plaintiff now wants to bring on record. It is further stated that plaintiff had moved the application for producing additional documents on record on 02.10.2025 which was dismissed by court vide order dated 28.10.2025. It is further stated that now the plaintiff under the garb of present application has again tried to bring the same documents on record for which this court has already denied vide order dated 28.10.2025 and thus present application of the plaintiff cannot be allowed being hit by res judicata.

4 Submissions made on behalf of both the parties are taken into consideration. Record perused.

5 Perusal of record reveals that by way of this application plaintiff has sought permission to place on record the similar documents/record for which application of the plaintiff has already been dismissed vide order dated 28.10.2025. Since present case pertains to the year 2007 and ample opportunity to place on record relevant documents has already been given to the plaintiff and vide order dated 28.10.2025 application of plaintiff to bring on record the various documents at belated stage has already been dismissed, no ground is made out to grant permission to plaintiff to place on record the additional documents at this stage.

6 Application is accordingly disposed of as not allowed.

(Meenu Kaushik)
District Judge-03
Patiala House Courts, New Delhi
21.01.2026