

**CS No. 59107/16**  
**Vivek Beri Vs. B N Uniyal**

**25.09.2018**

**Present:** Shri Aditya Soni and Shri Sahersh Jauhari, Ld. Counsel for the plaintiff.

Ld. Counsel for defendant no.1.

Ms. Aditi Sharma, Ld. counsel for defendant No.2.

Arguments heard on the application filed under Section 151 CPC by defendant no.1 seeking production of certain documents by plaintiff.

It is a case of defendant that during cross examination of plaintiff, plaintiff has stated that he would produce certain documents. Hence, he may be asked to produce the following documents-

(a) Allotment Letter-

As far as allotment letter is concerned, it is stated by plaintiff that he can produce it if he is able to trace it. Now, Ld. Counsel for plaintiff submits that he does not have that document. Hence, as plaintiff is not able to trace the same, he could not ask to produce the same.

(b) Clearance Certificate-

It is submitted by ld. counsel for the plaintiff that plaintiff has stated that he will file it if he will be able to get it from his house at California but his client does not have. The request of ld. counsel for defendant no.1 is hereby declined.

(c) Passport of late Shri Roop Lal Beri-

It is submitted by plaintiff that he does not have passport of his late

father. Hence, the request of defendant is declined.

(d) Passport of Shri Vivek Beri-

It is submitted by Id. counsel for the plaintiff that plaintiff has already surrendered his earlier passport at the time of acquiring US citizenship. Hence he has not the same. Hence, the request of defendant is declined.

(e) Application for transfer of suit flat in the name of plaintiff and defendant no.2-

However, the said was the application made before DDA. Defendant no.1 can summon the said document from DDA. Request accordingly disposed off.

(f) Death Certificate of Late Roop Lal Beri-

It is admitted by Id. counsel for defendant that decree of the said suit which was between the plaintiff and his brother defendant no.2 is already on record. It is submitted by Id. counsel for plaintiff that death certificate is probably filed in the said suit. Defendant may summon the said file/record.

(g) Green Card of Late Roop Lal Beri-

It is submitted that the plaintiff is not able to trace it. Hence, he cannot be asked to produce the same. In the circumstances, as the same is not traceable, request is declined.

Application disposed off accordingly.

It is submitted by Id. counsel for the plaintiff that he is pressing on disposal of his under Section 340 CPC application. However, the same shall be decided at the time of final arguments.

Put up for further proceedings on **08.12.2018**.

**(TWINKLE WADHWA)**  
**ADJ-03/PHC/NEW DELHI**  
**25.09.2018**

