

31.07.2018

Present: Sh. M. Nadeem, Advocate, for the plaintiff.
Sh. Brijesh Kumar Sharma, Advocate, for defendant No.1
& 3.
Defendant No.2 in person.

Sh. Vijay Kumar, Key Punching Operator, from the office of BSES, Division Karawal Nagar, Delhi, is present in person. He has brought the computer generated scanned copies of the record of BSES, pertaining to the electricity connection, in the name of Sh. Ram Prakash son of Sh. Babu Ram. The said record, running into 31 pages, is retained on judicial record. He has further submitted that the original record is not available and the complete record had already been scanned and is maintained in the office computers of the BSES.

An application under Section 151 & 152 CPC has been moved on behalf of the plaintiff on 21.07.2018, for amendment of the order dated 11.07.2018. Copy of the same is supplied to the defendants.

Submissions of the Ld. counsels for the parties are heard, on the application under Section 151 & 152 CPC, dated 21.07.2018.

It has been argued by the Ld. counsel for the plaintiff that the original documents are never retained by the BSES and only the photocopies are retained on record. However, the originals are seen by the officials of the BSES, at the time of making the application for electricity connection and therefore, on 11.07.2018, he had made a request to the court that the photocopies of the documents, filed by defendant No.3 for obtaining the electricity connection from BSES are lying in the record of the BSES. But, in the order dated 11.07.2018, it

has been mentioned that the original of the said documents are lying in the record of the BSES and therefore, the said typographical error in the order dated 11.07.2018, may be corrected.

On the other hand, the Ld. counsel for defendant No. 1 & 3 has argued that no documents were forged and fabricated by defendant No. 3 and the same were never deposited with the BSES. He has further argued that the order dated 11.07.2018 was passed in the presence of the Ld. counsel for the plaintiff and he made specific request to the court for summoning the record from BSES and therefore, there is no error in the order dated 11.07.2018 and the present application be dismissed with heavy costs.

Perusal of the record shows that on 11.07.2018, the admission and denial of the documents of the parties was conducted and the issues were framed in the present suit. It was specifically stated by the Ld. counsels for the parties that there were no documents which require admission or denial by the parties.

During the course of arguments on the application under Order 39 Rule 1 & 2 r/w Sec. 151 CPC, the defendant No.1 was directed to identify his signatures on the documents dated 18.11.1993, on which, the Ld. counsel for the plaintiff had submitted that originals of these documents were lying in the records of the BSES. The said order was passed in the presence of the Ld. counsel for the plaintiff and on his submissions, the Ld. counsel for the plaintiff was directed to furnish the details of the electricity connection in the name of defendant No.3 and was further directed to summon the relevant record from the BSES, for today. Now, the present application has been moved, on behalf of the plaintiff, on 21.07.2018, for amendment of the order dated 11.07.2018, on the ground that the counsel for the plaintiff had never submitted before the court that original documents were lying in the

office of the BSES.

In these circumstances, I do not find any merit in the application under Section 151 & 152 CPC dated 21.07.2018 and the same is hereby dismissed, subject to imposition of a cost of Rs.5,000/- on the plaintiff. The application is disposed of accordingly.

Adjourned for remaining arguments on the application under Order 39 Rule 1 & 2 r/w Sec. 151 CPC and for plaintiff's evidence on **08.10.2018**, the date already fixed.

BRIJESH KUMAR GARG
Addl.Distt Judge(NE)-01
KKD Courts/Delhi
31.07.2018

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