

**IN THE COURT OF MS. MANU VEDWAN,
ADDITIONAL DISTRICT JUDGE-2, NORTH EAST
DISTRICT, KARKARDOOMA COURTS, DELHI**

CS No. 83/2016

Vandana Srivastava

....Plaintiff

Versus

Neetu Jain & Anr.

.... Defendants

10.08.2023

ORDER ON APPLICATIONS I.E APPLICATION UNDER ORDER VII RULE 14 (3) READ WITH SECTION 151 CPC MOVED ON BEHALF OF PLAINTIFF AND APPLICATION UNDER ORDER VII RULE 14 (3) CPC (NOW READ AS AN APPLICATION UNDER ORDER VIII RULE 1 CPC) MOVED ON BEHALF OF DEFENDANT NUMBER 1.

1. Vide this order, I shall dispose of an application under Order VII Rule 14 (3) read with section 151 CPC moved on behalf of plaintiff seeking permission to place on record the proceedings/pleadings of the FIR No. 44/2014 and other relevant documents as well as application under Order VII Rule 14 (3) CPC (now read as an application under Order VIII Rule 1 CPC) moved

on behalf of defendant number 1 seeking permission to file the documents on record.

2. It is stated in the application that during the pendency of the present case, Ld. Trial Court FTC/ASJ, North West District passed an order/judgment dated 30.09.2022 in the FIR No. 44/2014, PS Shalimar Bagh. It is stated that the plaintiff/applicant wants to place on record the certified copy of the relevant proceedings/pleadings of FIR No. 44/2014. It is stated that the proceedings, statements and other documents which are part of the judicial record of the FIR No. 44/2014 are very crucial documents for adjudication of the present case. Thereafter, in the para number 5 of the application, applicant/plaintiff has detailed the documents to be placed on record and requested that she may be allowed to place these documents on record.

3. On the other hand, it is stated by the defendant number 1 in her reply that the application filed by the plaintiff is just to delay the present matter. It is stated that the documents requested to place on record pertain to the criminal case record and the findings of the criminal court are not binding on the civil court. Further, the findings arrived at before the criminal court are not final as they are appealable. It is further stated that most of the documents were in the possession of the plaintiff even at the time of filing of the plaint. It is therefore requested that the application of the plaintiff be not allowed.

Further, later on, on 28.07.2023, Ld. Counsel for defendant number 1 has also moved an application under Order VII Rule 14 read with section 151 CPC and stated that inadvertently he has mentioned the wrong provisions and same kindly be read as under Order VIII Rule 1 CPC. Separate statement of Ld. Counsel for defendant number 1 to that effect recorded. It is stated in the application that as the plaintiff has deliberately misinterpreted the documents purported to be placed on record by moving an application under Order VII Rule 14 (3) CPC, defendant number 1 has moved his separate application to place on record the relevant documents concerning the same FIR that is FIR No. 44/2014. It is requested that these documents be taken on record in the interest of justice.

4. Ld. Counsel for plaintiff submits that she does not want to file the reply to the abovesaid application of the defendant number 1. Accordingly, the submissions of both the parties on both the abovesaid applications for placing on record the documents heard. Clarifications sought.

5. It is to be understood that endeavour of Court should be made to ensure that all relevant and best materials are allowed to be brought on record, which could effectively, conclusively and finally adjudicate the dispute between the parties. Therefore, in the totality of circumstances, to avoid the miscarriage of justice and for the advancement of the ends of justice, both the abovesaid applications

stand disposed of as allowed.

(Manu Vedwan)
ADJ-02/North-East, KKD Courts,
Delhi/10.08.2023