

24.01.2024

Present: Sh. Kuldeep Gola, ld. counsel for plaintiff.  
Ms. Anu Arora, ld. counsel for defendant no. 1  
and 2 along with defendant no. 1.

An application under Section 151 CPC r/w Section 65 & 66 of Indian Evidence Act moved on behalf of plaintiff for giving directions to defendant no. 1 and 2 to file the original title documents of the suit property. Ld. Counsel for defendant no. 1 and 2 submits that she does not wish to file reply of the same and she will straight-away argue on the present application.

It is submitted by ld. counsel for plaintiff that the defendant no. 1 and 2 admitted by virtue of counter claim filed and the ancillary pleadings that the property bearing no. E-40 and E-41 were jointly purchased by the plaintiff and defendant no. 1.

It is submitted that the original documents qua the property no. E-40 and E-41 which were executed in 1986 and 1989 are in the custody of defendant no. 1 and 2. Ld. Counsel for defendant no. 1 and 2 submits that defendant no. 1 and 2 does not have the original documents and all the original documents are with the plaintiff. Ld. counsel for plaintiff submits that the plaintiff does not have the original title documents of the year 1986 and 1989 qua the suit property.

Since it is submitted on behalf of defendant no. 1 and 2 that they do not have the original documents qua the suit property, no directions could be given to defendant no. 1 and 2 to produce the original documents. The plaintiff has to prove the documents

in view of the admitted joint ownership initially qua the suit property as per law. No further directions are required in the present matter. The application stands disposed off accordingly.

Matter is fixed for PE. Evidence by way of affidavit already filed. The medical prescription of the plaintiff filed as per which the plaintiff is not well.

Put up for PE on 04.03.2024 at 12.00 noon. Date and time is given as per the convenience of ld. Counsel for both the parties.

(KAPIL KUMAR)  
ADJ-01/NE/KKD/DELHI  
24.01.2024 sb