

**IN THE COURT OF SH. KISHOR KUMAR, ADDITIONAL
DISTRICT JUDGE-04, NORTH DISTRICT : ROHINI
COURTS : DELHI**

**CS No. 57980/16
CNR No. DLNT01-000068-2011**

In the matter of :-

Shiv Narayan Bhardwaj & Anr.

..... Plaintiffs

Versus

M/s Raman Educational Welfare Society & Anr.

.....Defendants

ORDER/08.01.2024

1. Vide this order I shall dispose of an application under Order VII Rule 14(3) read with Section 151 CPC filed on behalf of the plaintiffs for taking additional documents on record.

2. It is submitted on behalf of the plaintiffs that at the time of filing of present suit, plaintiffs had filed certain documents with list of documents which includes a registered lease deed dated 01.01.2010. The defendants, with intend to grab the suit property, forged the said registered lease deed dated 01.01.2010 and had also obliterated clause 4 of the same. During pendency

of the present suit, the defendant no.1 had not only falsely denied the title of the plaintiffs over the suit property but also had falsely acknowledging the ownership of a third party over the suit property. It is further stated that due to the conduct of defendants, plaintiffs filed applications under Order VI Rule 17 CPC as well as under Order VII Rule 14 CPC which were allowed vide order dated 15.10.2018. It is further stated that during plaintiff's evidence, it was revealed that despite due care and cautions and under bona fide impressions, the copy of registered lease deed dated 01.01.2010 which was supplied to the plaintiffs by the defendant no.1 after its registration, could not be filed on record. Ld. Counsel for the plaintiffs has prayed for taking on record the lease deed dated 01.01.2010.

3. In reply to the present application, it is stated on behalf of the defendants that the defendants have already filed their WS and affidavit of admission/denial, therefore, if the plaintiff is allowed to file documents at this stage, then the defendant will have no opportunity to deal and rebut the same. It is further submitted that once the pleadings are complete, no documents for admission and denial can be insisted upon. The plaintiffs have failed to show any plausible cause for filing the document in question at this belated stage when they were in possession of the

same long back. Ld. Counsel for the defendants has prayed for dismissal of present application.

4. I have heard Ld. Counsel for the parties and have carefully gone through the record.

5. Order VII rule 14 clause (3) of CPC provides that document which ought to have been produced in the court by the plaintiff when the plaint is presented but is not presented then it shall not without the leave of the court, be received in evidence during the hearing of the suit.

6. Plaintiffs have filed the present suit for possession, recovery of rent and mesne profit and damages with respect to the suit property stating inter alia that plaintiffs are the owners and landlords of suit property wherein defendant no.1 was inducted as tenant vide registered lease deed dated 01.01.2010 duly entered into between the plaintiffs and defendant no.1. By way of present application, it is contended by the plaintiffs that defendants, with intend to grab the suit property, forged the said registered lease deed dated 01.01.2010 and had also obliterated clause 4 of the same and now the plaintiffs want to place on

record the said lease deed copy of which was supplied to them by the defendant no.1 after its registration and plaintiffs could not file the same on record. In the facts and circumstances of present case, it can be safely concluded that the document in question is the key document around which the whole case of plaintiffs exists. In other words, the document is must and necessary for the just decision of the case. Further, present suit is at the stag of plaintiff evidence and defendants would get sufficient opportunity to cross examine the plaintiff witnesses on all material aspects including the document in question. Moreover, the defendants would also get sufficient opportunity to lead evidence in support of their stand. The delay, if any, can be compensated in terms of cost.

7. In view of my above discussion, the application under Order VII Rule 14(3) CPC stands allowed subject to cost of Rs.4,000/- to be paid to the defendants.

**Announced in open
Court on 08.01.2024**

**(Kishor Kumar)
ADJ-04, North, Rohini Courts,
Delhi/08.01.2024**