

13.03.2019

Present : Sh.S.C.Gupta, Ld. counsel for plaintiff.

Sh.Arjun Bhaskar , Ld. counsel for defendant No. 1

Two applications have already been moved on behalf of plaintiff whereby we want to place on record documents related to RTI and a statement having particulars of the properties of Noida and Surajmal Vihar.

Though the counsel for defendants have earlier denied to file reply to these applications, but today, he insisted on filing of above said replies.

It is argued on behalf of the plaintiff that the present suit properties were purchased after selling the abovesaid properties. He has further argued that he wants to rely on these documents merely to prove that the present suit properties have been purchased by the proceeds of abovesaid two properties.

It is argued on behalf of defendant that present application is not maintainable as no amendment has been moved on behalf of plaintiff. It is stated by the counsel as the complete facts regarding the above said properties had not been given earlier and now they are not in position to give counter arguments as the Written Statement has already been filed. He has further stated that there are contradictions in the application and the facts stated in the RTI as well as statement of properties.

Having heard the counsels for the parties and perused the record.

In this regard, para no. 4 and 6 of the plaint are

important. In para no. 4, the plaintiff has specifically mentioned that Sh. Rattan Prakash had purchased two properties one in Noida and one in Surjamal Vihar. Subsequently, in para no. 6, it is specifically mentioned that relevant papers of these properties are with the defendants.

In these circumstances as the plaintiff has already stated that the documents are with the defendants, he has to be permitted to rely on the documents as prayed in these applications. Further, as the plaintiff is relying upon these documents of the properties only to prove that how the present suit property came into the hands of the defendants. Every fact which is related to evidence need not to be incorporated in the plaint. Therefore, the application is allowed.

DW 1 is examined in chief and his cross examination is deferred. Only one opportunity will be given for cross examination of DW 1.

Put up for **cross examination of DW 1 on 26.04.2019.**

(Shivaji Anand)
ADJ-02 (North): Rohini Courts:
Delhi: 13.03.2019