

CS DJ 59087/16
MANOJ GULIA Vs. KRISHNA KHATRI

18.07.2022

Present: Plaintiff no. 2 in person.
Sh Akash, proxy counsel for defendant.
Sh Rajesh Kumar, SHO, PS Narela, Delhi.

Original Mortgage Deed dt 19.04.2007 alongwith photocopy of FSL report dt 14.07.2017 filed by SI Shankar, PS Narela, Delhi which is forwarded by SHO, PS Narela, and posting details of SHOs from 14.07.2016 to 18.07.2022 in writing. Same are taken on record.

Heard. Perused.

Reply to application u/o IX rule 7 CPC filed by plaintiff. Same is taken on record.

Adjournment sought by plaintiff as main counsel is not available today due to some personal exigency.

Last opportunity is granted to the plaintiff to address the arguments on application u/o IX Rule 7 CPC.

In the present matter, on dated 22.03.2016 ASI Surajmal from PS Narela moved an application for taking original mortgage deed for the purpose of sending it to CFSL. Thereafter, the Mortgage Deed dated 19.04.2007 was handed over to ASI Surajmal against receipt and verification on filing of certificate copy of the same on record with direction that the same be filed back on judicial file within six months and the application was disposed of.

On 21.03.2022, ld counsel for the plaintiff stated

that original mortgage deed was handed over the IO ASI Surajmal PS Narela in connection with FIR 1141/2015 u/s 420/34 IPC dated 07.09.2015 PS Narela, Delhi. He further stated that more than six years have elapsed and till date IO has not complied with the direction that he has to file the original mortgage deed alongwith FSL report within six months.

None was appeared on 23.05.2022 despite service on behalf of SHO Narela, Delhi. Show cause notice u/o XVI Rule 12 CPC was issued to SHO Narela and the matter was kept for today.

Today, SHO, Narela, Delhi namely Sh Rajesh Kumar appeared alongwith SI Shankar, PS Narela and they have filed the original mortgage deed alongwith photocopy of FSL report with request to annex the same in the judicial file.

On enquiry, SHO PS Narela, Delhi submitted that the FSL report was prepared on 14.07.2017 and both the documents i.e. Mortgage Deed and photocopy of FSL report were lying in the PS Narela, Delhi.

He further stated that the aforesaid documents were very much available at the PS Narela, Delhi however he failed to explain why the aforesaid documents were not filed in the court from 2017 to till date. He excused himself from the delay by saying that he had joined the PS Narela, Delhi on 20.05.2022. He stated that from 16.06.2016 to 19.05.2022 there were four SHOs at PS Narela, Delhi who were kept lying the aforesaid document at PS Narela and these are the persons who are responsible for delaying the filing of the aforesaid documents in the court.

He gave the details of all the SHOs in writing as under :-

Name	From	To
1) Insp Jarnail Singh	16.06.2016	06.01.2018
2) Insp Rakesh Kumar	06.01.2018	08.07.2020
3) Insp Vinay Kumar	08.07.2020	21.02.2021
4) Insp Mahesh Narayan	12.05.2021	19.05.2022

FSL report is a scientific evidence and it helps the court in adjudication of the dispute between the parties. Delay in the filing of FSL report, ultimately calls for delaying the trial by which the parties are the main sufferers to get justice in time.

In the present matter, due to the negligent conduct of the aforesaid SHOs the trial in the present matter has delayed for almost six years and today these persons are not available to take the responsibilities of causing injustice to the parties.

Let a copy of this order be sent to the DCP-I (North) and Joint CP (North) for taking explanation and necessary action against the erring SHOs.

A copy of this order be also send to JS(UT), MHA, Government of India.

Action taken report be filed on or before the next date of hearing.

Put up on 29.08.2022.

(Surender Mohit Singh)
ADJ-04, North, Rohini Courts,
Delhi/18.07.2022