

CHARAN SINGH AND ORS. Vs. SHILPA JAIN AND ORS

04.01.2025

Present: Sh. Z.S. Yadav, counsel for the plaintiff.
Sh. S.K. Kaushik , counsel for the defendant no.1 and 2.
Sh. N.K. Sharma, counsel for the defendant no.3.

Counsel for the defendant no. 1 and 2 presses his application under order 8 rule 1 A(3) CPC dated 28.05.2024.

Counsel for the defendant no. 1 and 2 argued that chain of titled documents of suit property are to be placed on record. Defendant no.1 has already filed titled documents in her favour. It is argued that case is at stage of plaintiff evidence and no prejudice will be caused.

Per contra counsel for the plaintiff argues that he may have to challenge the documents now sought to be placed on record after seeking appropriate instructions from the plaintiff. Expenses will have to be borne.

Heard. File perused.

As per amended plaint plaintiff has filed suit for declaration, cancellation and permanent injunction. Defendant no. 1 and 2 want to place on record chain of documents of suit property in their favour. The plea taken in the application is that these documents were not traceable at time of filing of written statement due to shifting of residence of defendants.

In considered opinion of the court, the documents now sought to be produced by the defendant no. 1 and 2 will help the court to reach at just conclusion. Case is at the stage of plaintiff evidence. Plaintiff will be at liberty to take appropriate steps as per law for challenging these documents if so advised. Plaintiff can be compensated with costs of Rs. 2000/- to be paid by defendant no.

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1 and 2 to the plaintiff before the NDOH. Application of defendant no. 1 and 2 is accordingly allowed subject to payment of costs. The documents are taken on record subject to all jus exceptions.

At request of the counsel for the plaintiff, to come up for examination and cross examination of PW 1 and PW 2 on on 19.04.2025.

(VIKRAM BALI)

DISTRICT JUDGE-2/NORTH/ ROHINI
COURT/DELHI/04.01.2025