

CS DJ 1619/16

MAMTA TYAGI AND ANR Vs. SUNITA RANA AND ANR

13.12.24

Present: Sh. Sharvan Dev, Ld. Counsel for plaintiffs with
plaintiff no.1 in person.
Sh. Abhishek Gupta, Ld. Counsel for defendant,
through VC.

Today the case is fixed for orders on application
under Order VII Rule 14 CPC.

It is pointed out by Ld. Counsel for plaintiff that in
the last order sheet inadvertently it has been mentioned that
arguments heard on application under Order IX Rule 7 CPC
instead of Order VII Rule 14 CPC.

Put up for orders after lunch.

(Kishor Kumar)
DJ-04, North, Rohini Courts,
Delhi/13.12.24.

13.12.24 (4:00 PM)

Present: None.

By way of present application under Order VII Rule
14 CPC, the plaintiff seeks permission to file on record certain
documents on the ground that plaintiff had given the copies of
the said documents to her earlier counsel with instruction to file
the same but due to the inadvertent mistake of the counsel, same
could not be filed on record.

On the other hand, it is contended on behalf of defendant no.2 that plaintiff has already been cross examined in the present case and further that the documents in question were already in possession of the plaintiff, however, she intentionally kept silent on such documents for almost eleven years. It is further submitted that present application has been filed just to fill lacunae and deserves to be dismissed with cost.

I have heard Ld. Counsels for the parties and have carefully gone through the material on record.

Order VII Rule 14 (3) makes it clear that a document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

In *Gold Rock World Trade Ltd. vs Veejay Lakshmi Engineering Works Ltd., (2008)149PLR40*, Hon'ble Delhi High Court has observed that “....before leave of the Court can be granted for receiving documents in evidence at a belated stage, the party seeking to produce the documents must satisfy the Court that the said documents were earlier not within the party's knowledge or could not be produced at the appropriate time in spite of due diligence...”

The only ground taken by the plaintiff for not producing the documents is that the documents were given to the counsel who could not file the same. It is pertinent to mention here that PW1/plaintiff has already been cross examined in this case at length long back on 16.07.2022. It is not denied by the plaintiff that documents sought to be placed on record by way of present application, were in her possession.

Under such circumstances, it cannot be said that she was not having knowledge about the documents and the ground raised by the plaintiff is not all tenable, especially when she has already been cross examined at length. Rather, it clearly reflects the negligent conduct on the part of the plaintiff.

In view of above, the application filed on behalf of the plaintiff under Order VII Rule 14 CPC stands dismissed.

Put up the case for remaining PE, for 30.04.2025.

(Kishor Kumar)
DJ-04, North, Rohini Courts,
Delhi/13.12.24.