

CS No955/2018

Akshat Deva

v.

M/s Balaji Maharia Construction Co & Ors.

18.09.2019

Present : Sh. Satya Pal, Ld. counsel for the plaintiff
with plaintiff in person.
Sh.Anuj Arya, Ld. counsel for the defendant no.3.
Defendant no.2 in person who is also on behalf of D.1.

One application under Order 7 Rule 14 CPC has been moved on behalf of the plaintiff whereby plaintiff wants to place on record certain documents. It is submitted that inadvertently the acknowledgement of various receipts made on plain paper could not be filed earlier. It is further stated that in para-8 of the plaint they have mentioned that the payment was made on various dates.

On the contrary, Ld. counsel for defendant no.3 submits that the present application has been filed just to fill up the lacuna in the case and there is no mention of such receipts in the plaint.

Heard. Perused.

Perusal of the para-8 and 9 reveals that there is no clear mention of the receipts which are sought to be placed on record. Even in the application, no sufficient ground has been mentioned for not placing the receipts on record earlier.

Considering the submissions of the parties and the stage of the case which is at the stage of pleadings, **the application is allowed subject to cost of Rs.10,000/-** to be deposited with DLSA, North, Rohini Courts, Delhi. The receipts are taken on record accordingly.

Arguments also heard on the application for condonation of delay in filing W.S on behalf of defendant no.3.

It is submitted by Ld. counsel for defendant no.3 that the W.S could not be filed on time as there was renovation work going on in the office. He has prayed for a lenient view.

The application has been opposed by the plaintiff.

Heard. Perused.

Since the case is at initial stage, the application is allowed subject to cost of Rs.3000/- to be deposited with DLSA, North, Rohini Courts, Delhi. Accordingly, W.S on behalf of defendant no.3 is taken on record.

Ld. counsel for the plaintiff seeks time to file replication which is allowed. He is directed to supply advance copy.

List the case for **payment of costs by parties**, replication admission/denial of documents and framing of issues on 13.01.2020.

(Shivaji Anand)
ADJ-02 (North): Rohini Courts:
Delhi: 18.09.2019