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CS DJ 77271/16
MR. T R CHAUHAN
Vs.
MS HITECH POLY FLEX PVT.LTD.

21.02.2024

Present: Plaintiff with Ld. Proxy Counsel, Sh. Jaideep Singh.
Sh. Ashok Kumar Singh, Ld. Counsel for defendant.

The matter is fixed for final arguments but one application on behalf of defendant under Order 7 rule 14 CPC as filed on 15.02.2024 is on file. Copy of application is stated to be supplied to opposite counsel through post.

Ld. Proxy Counsel for plaintiff stated that he is ready to argue the application without any written reply.

Submissions on the application of defendant under Order 7 rule 14 CPC are heard.

By way of present application, the defendant is seeking permission to file some documents with the submissions that on the previous date of hearing, Ld. Counsel for defendant tried to give some documents relating to the present case to the court, but court refused to take on record those documents. It is averred that documents have not been filed inadvertently and documents i.e. Active Motors Private Limited (vehicle paper) and bill regarding payment of lawyer fee all photocopies documents pertain to the present case, which are necessary for the just decision of the present suit.

No original document has been filed with the

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application rather same are true copies. Ld. Counsel for defendant stated that same are print out of computer generated documents and no original document is filed. The contention regarding the refusal of the court to accept the documents is contrary to the record.

Ld. Counsel for defendant is also not able to point out the averments made by defendants in the written statement qua documents whose copies are being filed now. The defendants can file the documents along with written statement or the time of settlement of issues and thereafter permission of the court is required and the court may allow the documents if due to sufficient reason, same could not be filed earlier and are relevant to adjudicate the matter.

The defendant did not file the documents nor any sufficient reason is shown under which the same could not be filed nor the relevancy of the documents for the adjudication of present suit is pointed out. As such, no document at the stage of final arguments as prayed by defendants can be taken on file. The application stands dismissed accordingly.

It is stated by Ld. Proxy Counsel for plaintiff that main counsel who has to argue the case is not available due to demise of his mother on 24.01.2024 and prays for adjournment. Opposed by Ld. Counsel for defendants stating that on the similar ground, adjournment was granted to the defendant subject to payment of cost and if matter is adjourned then cost be imposed upon the plaintiff.

Considering the submissions, matter is adjourned for final arguments for **15.05.2024**. Plaintiff will compensate the

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defendants with cost of Rs. 5000/- on account of adjournment of the matter today at his part.

(SUNIL CHAUDHARY)

ADJ-04/North-West

RHC/Delhi 21.02.2024