

CS DJ 8460/16
HARDEEP SINGH
Vs.
ARUN CHAWLA, PROPRIETOR

28.03.2022

Present: Sh.Mohit Upadhyay Adv. Ld. Proxy counsel for plaintiff.
Sh.Shubham Garg Adv. Ld. Counsel for defendant.
Time sought to call main counsel.

Be awaited.

(Munish Markan)
ADJ-02(SE)/District Courts,Saket,
New Delhi/28.03.2022

12.45p.m.

Present: Sh.Mohit Upadhyay Adv. Ld. Proxy counsel for plaintiff.
Sh.Shubham Garg Adv. Ld. Counsel for defendant.
Arguments heard on the application under Order 8 Rule 1A
CPC moved by the defendant to place on record certain bank statements of
Oriental Bank of Commerce. Matter is at the stage of DE.

Ld. Counsel for defendant submits that the original defendant
Sh.Arun Chawla died during the pendency of the suit on 01.04.2017 and
his LRs were impleaded.

This is a suit for recovery of Rs.941192/- filed by the plaintiff
on the ground of providing bus services to the defendant from time to time
and raising Bills and the original defendant having taken the defence, inter-
alia, regarding the payments made from time to time.

Ld. Counsel for defendant/ applicant submits that though the
Bills shown in these Bank statement were recorded in the ledger of the

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plaintiff maintained by the defendant and already placed on record but these documents were not traceable by the LRs and these bank statement could be traced in the last week of 2020 and submits that being a bank record, these are crucial for the fair and proper adjudication of the matter.

On the other hand, application is opposed by Ld. Counsel for plaintiff submitting that the defendant died on 01.04.2017 and the LRs were impleaded thereafter and even the plaintiff witnesses were cross examined but no such documents were put to the plaintiff witnesses during the cross examination nor the present defendant have explained the reasons for delay. He submits that matter is at the stage of DE and therefore, prays for dismissal of the application.

Since the original defendant has already died during the pendency of the matter and the ledger statement has already been placed on record by the defendant and the documents sought to be relied upon by the defendant are bank records, therefore, considering the totality of the facts and circumstances, the application is allowed and documents are placed on record subject to proving it in accordance with law.

Plaintiff can be compensated by way of costs. Therefore, defendant is directed to pay costs of Rs.5000/- to the plaintiff.

Put up for DE on **02.08.2022**.

(Munish Markan)
ADJ-02(SE)/District Courts,Saket,
New Delhi/28.03.2022