

**IN THE COURT OF SH. RAHUL BHATIA ADDITIONAL
DISTRICT JUDGE-01, SOUTH EAST DISTRICT,
SAKET COURTS, NEW DELHI**

CS DJ-439/2018

M/s Khushi Mohd. Contractor

....Plaintiff

VERSUS

M/s Vyom

....Defendant

11.03.2024

ORDER :

- 1) Today, the matter has come up for order on an application under Order VII Rule 14 (3) CPC filed for placing on record one document being invoice dated 08.09.2015 filed by plaintiff.
- 2) It is submitted by Ld. Counsel for plaintiff that evidence of the plaintiff was going on and after the cross-examination of PW1, it was revealed that the original receiving copy of the document sought to be placed on record now, was not placed on record. It is further submitted that plaintiff took various works and work orders issued by defendant and the present document is in relation to work order No.2014-2015/003 dated 22.05.2014 for the site A-143-144, Saraswati Vihar. It is further submitted that the very work order is already placed on record as Ex.PW1/1 and the final bill of the work which includes the present bill has also been placed on record as Ex.PW1/2. In these circumstances, it is submitted

by Id. Counsel for plaintiff that necessary averments regarding the said invoice are already on record and the final bill which incorporates the said bill has already been exhibited and the present application be allowed and the additional document be taken on record.

- 3) Per contra, Ld. Counsel for defendant has submitted that PW1 has already been examined and by way of this application, plaintiff cannot be allowed to fill lacuna in his case. Therefore, present application cannot be allowed. Thus, dismissal of the present application is prayed for by the defendant.
- 4) Submissions heard. Application and case file perused.
- 5) On going through the pleadings of the plaint, it is clear that plaintiff has averred that for work order No.2014-2015/003 dated 22.05.2014 for the site A-143-144, Saraswati Vihar invoices totalling amount of Rs.11,30,581/- was raised. It is also clear from the record that plaintiff had sent invoice dated 08.09.2015 titled as final bill in relation to the said work order for the amount of Rs.11,30,581/-. The said final bill also incorporates the bill dated 08.09.2015, the one which the plaintiff seeks to place on record by way of this application. Thus, it is clear that the claim of the plaintiff does include the amount mentioned in the additional document sought to be placed on record. Infact, the amount of the said document is also mentioned in Ex.PW1/2. Although the application is delayed as it has been moved after discharge of PW1, the evidence of the plaintiff is still going on. Infact, the present application was moved

immediately after PW1 was examined, cross-examined and before any further evidence was led by the plaintiff. Thus, it is clear that averments relating to the present document are found in the pleadings of the plaintiff and the application has been filed before the evidence of the plaintiff is closed.

- 6) Thus, in the above circumstances, this court is of the opinion that since the document relates to controversy and dispute between the parties and has been raised before the conclusion of evidence of the plaintiff, the present application under Order VII Rule 14 (3) CPC filed by plaintiff is allowed and document is taken on record.

**Announced in the open
Court on 11.03.2024**

**(RAHUL BHATIA)
Additional District Judge-01(SE),
Saket Courts, New Delhi.**