

1 CS DJ 367-24

ARUN SANKHWAL Vs. ANOOP GUPTA

06.03.2026

Present : Sh. Amit Sethi, Ld. Counsel for plaintiff.
Sh. Anil Kr. Batra, Sh. Manan Lohani and Sh. Dhruv Kumar, Ld. Counsels for defendant.

1 Application under Order VII Rule 14 CPC filed by plaintiff on LDOH to place on record certain orders passed in cases involving defendants.

2. It is submitted by Ld. Counsel for plaintiff that these orders are passed in cases in which defendants were parties. Some of these orders were put to defendant no. 1 during his cross-examination but the defendant no.1 failed to recollect these orders. It is further submitted that these documents were intended to be confronted to the defendants and it was expected that since the orders were passed involving the defendant no. 1, the same would be admitted. It is further submitted that since these orders were passed in cases involving the defendants, no prejudice shall be caused to the defendants as they are supposed to be aware of orders passed in the cases where defendants were party to the suit.

3. Reply has been filed by defendants.

4. Ld. Counsel for defendants has opposed this application on the ground that these documents / orders are from the period 2007-2012 and no reason has been shown as to why these documents are being filed at this stage. It is further submitted that mere denial in the cross-examination of the defendants or giving vague reply does not give any right to the plaintiff to file fresh

documents at this stage. It is further submitted that the defence is likely to be prejudiced if these documents are taken on record at this stage as he would not be able to rebut these documents. It is further submitted that the document being order dated 20.04.2019 was not put in cross-examination, as such, the document cannot be allowed to be produced at this stage as they were not in knowledge of the plaintiff.

5. Heard. Perused.

6. All the documents which the plaintiff wishes to file along with the present application are orders passed in various cases where the defendants were party to the suit. Perusal of the order reveals that the said orders were passed in the presence of Counsel for defendants. As such defendants cannot take a stand that they are not aware of the said documents or the same shall prejudice the defendants. Moreover, the said documents are judicial orders and certified copies are sought to be filed.

7. Since the documents have a direct bearing on the case and the defendant no. 1 during his cross examination either did not remember the said documents or gave vague and evasive replies, this Court is of the opinion that the said documents are required to be seen by this Court for a complete adjudication of the dispute between the parties.

8. As such, the present application is allowed and the documents along with the application are taken on record.

9. Witnesses from the HDFC Mutual Fund and Patiala House Courts have appeared along with record.

10. PW2/Sh. Vinay Kumar, Judicial Assistant, in the Court of

Dr. Pankaj Sharma, Ld. DJ-02, PHC, New Delhi District is present, examined in chief, cross-examined and discharged.

11. Another witness from the HDFC Mutual Fund is present who was summoned on LDOH to bring the record with respect to investment of the plaintiff in the HDFC Mutual Fund in various folios, which statements have not been filed along with the suit.

12. The other witnesses from Aditya Birla Sunlight Mutual Fund, Nippon India Mutual Fund, UTI Mutual Fund, Franklin Tempelton Mutual Fund have not be served as the office was closed when the Process Server visited the premises.

13. Summons to the witness from Ritesh Investment Company could also not be served as the Process Server could not execute the same.

14. Ld. Counsel for plaintiff has objected to the record produced by the witness from HDFC Mutual Funds. It is submitted that the plaintiff had filed certain documents after the framing of issues in the present case and the documents produced by HDFC Mutual funds which are sought to be relied upon by the plaintiff were not part of the documents filed on 20.10.2008. It is submitted that by way of summoning of witnesses, plaintiff is trying to introduce new documents which were never part of the record. It is submitted that such documents cannot be allowed to be taken in evidence at this belated stage. It is submitted that these documents are likely to prejudice the defendants as the defendants has no advance notice to such documents. Thus, rejection of the documents sought to be summoned from the various Mutual Funds is sought.

15. Per contra, Ld. Counsel for plaintiff has submitted that the plaintiff had filed various account statements maintained by one Ritesh Investment Company showing the holding of various mutual funds by the plaintiff and his family. It is submitted that all the statements sought to be summoned are with respect to folio numbers already mentioned in the Statement of Account maintained by Ritesh Investment Company. It is submitted that Ritesh Investment Company was the manager looking after the investments of the plaintiff and his family and all the details of the mutual funds sought to be summoned are already mentioned in the said account statements. It is submitted that the statements on record are secondary documents with respect to the investment of plaintiff and his family. The original record is maintained by the various mutual funds and as such the witnesses are required to be summoned to corroborate the statements already on record. Thus, it is submitted that the witnesses from various mutual funds be summoned again to corroborate the account statements already on record.

16. Heard. Perused.

17. Record reveals that vide order dated 09.07.2008, the plaintiff was given liberty to file additional documents with respect to the entitlement of interest of defendant no. 1. Plaintiff has filed various account statements showing mutual funds holdings of his and his family maintained by Ritesh Investment Company. These investments are in various mutual funds held in the name of plaintiff and his family members. The original record of all these mutual funds is maintained by the respective fund

house and Ritesh Investment Company has only given a summary of the said investments.

18. Since Ritesh Investment Company is not the entity with which the plaintiff had invested the amount, the same can only provide account statements on its letter head and not the actual account statements maintained by the various fund houses. Moreover, the witnesses from the various fund houses are not required to produce any document revealing new information but is only required to corroborate the account statements of Ritesh Investment Company which are already on record.

19. Since the information regarding the investment in various mutual funds is already on record, no prejudice shall be caused to the defendants if the witnesses are summoned to corroborate the account statements already on record.

20. in view of the same, the objection of Ld. Counsel for defendants with respect to the summoning of witnesses is dismissed and plaintiff is allowed to lead evidence through the said witnesses.

21. Let fresh summons be issued to the said witnesses cited at serial No. 5 to 10 mentioned in the list of witnesses on filing of PF within 5 days for the date already fixed.

22. List for PE on **27.03.2026 and 28.03.2026 at 2:30 pm.**

(Rahul Bhatia)
DJ-01 (South East) Saket Court
New Delhi/06.03.2026 (vg)