

32CS DJ148/23

ASHOK KUMAR TIWARY Vs. DELHI CHINMAYA SEWA TRUST

14.10.2024

Present : Sh. Abhishrut Singh, Ld. Counsel for plaintiff.
Ms. Shreya Chanda, Ld. Counsel for defendants
no.1 & 2.

1. Application under Order XI Rule 12 & 14 CPC filed by plaintiff is pending.
2. The plaintiff has filed the present application seeking directions to defendants no.1 & 2 to place on record various documents as mentioned in the reply to the Legal Notice and more specifically mentioned in para 7 of the WS filed by defendants no.1 & 2.
3. It is submitted by Ld. Counsel for plaintiff that defendants no.1 & 2 have mentioned in the reply to the Legal Notice and in para 7 of the WS that various complaints were received by defendants no.1 & 2 against the conduct of plaintiff regarding his conduct during his employment and he was given various warnings for the same. It is further submitted that since the case of plaintiff is that whether plaintiff had resigned himself voluntarily or he was forced to resign by defendants no.1 & 2, therefore, the complaints mentioned in the WS and Legal Notice are relevant in the present case as they will throw some light on the dispute between the parties.
4. Per contra, Ld. Counsel for defendants no.1 & 2 has submitted that the said documents are confidential documents and cannot be placed on record at this stage and it is the decision of defendants no.1 & 2 to place the same at the time of the

evidence. It is further submitted that the documents mentioned in para 7 of the WS do not pertain to the dispute at hand.

5. Submissions heard. Application and record perused.

6. It is clear from the perusal of the WS filed by defendants no.1 & 2 that they have taken preliminary objections that plaintiff was not conducting himself as per requirement of his job. It is further submitted that various complaints have been received against plaintiff and because of those reasons, the plaintiff has instituted the present suit without indicating his own wrong conduct. It is further clear from para 7 of the WS that defendants have submitted that various complaints were received against the plaintiff. The case of the defendants no.1 & 2 would revolve around these documents because the same have been part of the pleadings of defendants. The argument of defendants no.1 & 2 that the said documents are confidential and will only be produced at the time of evidence is also not in accordance with law as in a civil trial the parties have to file their pleadings and documents at the initial stage itself. Since the defendants no.1 & 2 have mentioned the documents in para 7 of the WS and relied upon them, the defendants no.1 & 2 are directed to produce the same on or before NDOH. Further, the warnings given by defendants no.1 & 2 to plaintiff be also produced on or before NDOH.

7. List for 25.11.2024.

(Rahul Bhatia)
DJ-01 (South East) Saket Court
New Delhi/14.10.2024 (vg)