

1 CS DJ 1680-17

NIRAJ TIWARI Vs. M/S IMPERIA STRUCTURES LTD

07.09.2024

Present:- Sh. Rupesh Kumar, Ld. Counsel for plaintiff through VC.
Ms. Kismat Chauhan, Sh. Tushar Sharma and Sh. Ahmed Jamal Siddiqui, Ld. Counsels for defendant.

1. An application under Order VII Rule 14 CPC is pending.

2. Vide order dated 25.07.2023, the defendant was given one opportunity to file reply and address arguments on the same subject to cost of Rs. 2000/-. The reply to the application has been filed by the defendants on 09.07.2024, however, cost has not been paid. Ld. Counsel for defendant submits that the cost will be paid on the NDOH.

3. The present application has been filed for placing on record the email of termination of the employment of the defendant, certain expense bills, ITR of the plaintiff for the years 2017-2022 and the HR policy of the defendant company. It is submitted by Ld. Counsel for defendant that these are relevant documents for the decision in the present case and are relevant to the present case. It is submitted that the trial has not yet been commenced and the plaintiff is yet to lead his evidence. In view of the above, he submits that the application be allowed and the documents be taken on record.

4. Per contra, Ld. Counsel for defendant has submitted that the plaintiff has not shown any reason why these documents should be taken on record at this stage. Ld. Counsel for defendant

has submitted that all these documents were in power and possession of the plaintiff even at the time of the filing of the suit. Further, no justifiable reason, as to why these documents should be taken on record at this stage, has been given by the plaintiff. The application cannot be allowed and the documents cannot be taken on record at this stage.

5. Record reveals that the issues in the present matter were framed vide order dated 03.04.2019. After that an application under Order XII Rule 6 CPC was filed by the plaintiff which was decided vide order dated 30.01.2023 and the matter was listed for PE. On the next date, plaintiff had filed the present application. Although in the present matter, issues were framed on 03.04.2019 but trial could not proceed as an application under Order XII Rule 6 CPC was pending adjudication. The same was only decided on 30.01.2023 and thereafter the matter was listed for PE. On the NDOH, the plaintiff has filed the present application.

3. Since trial is at initial stage and the plaintiff's evidence has not yet commenced, and also in view of the fact that the documents sought to be filed by the plaintiff along with the application, are relevant to the present case, this court is of the opinion that opportunity should be granted to the plaintiff to place these documents on record. In view of the same, **the present application under order VII Rule 14 CPC is allowed.** It is made clear that the documents need to be proved as per law by the plaintiff.

4. Affidavit of evidence of the plaintiff dated 04.10.2018 is on record. In view of the fact that the present

application is allowed, the plaintiff may file fresh affidavit of evidence within 4 weeks with advance copy to Ld. Counsel for defendant.

5. List for PE on **24.10.2024**.

(Rahul Bhatia)
DJ-1 (South-East), Saket Court
New Delhi/07.09.2024(sk)