

BHANU PRATAP AND ORS Vs. NARESH KHURANA AND ORS

06.09.2021

Case taken up today through hybrid mode in view of the office order no.6736-6759/Judl/SHD/2021 dated 21.08.2021 issued by Ld. Principal District & Sessions Judge, Shahdara in the wake of Corona Virus (Covid-19) pandemic.

**Present : Sh. Bilal Ahmed , Advocate for the Plaintiffs No. 2 and 4.
None for the Plaintiffs No. 1 and 3.
Sh. Ashok Mahajan, advocate for the Defendants No. 2 to 4 (through VC).
Sh. Trilok Chand, Advocate for the Defendants no. 1 and 5. (through VC).**

Case is pending for consideration on the application under Order 7 Rule 14 CPC.

Fresh vakalatnama on behalf of plaintiffs No. 2 and 4 has been filed.

By way of aforesaid application, plaintiffs seek to place on record the site plan of the suit property on the pretext that the same was not filed earlier due to unavoidable circumstances. Per contra, Ld. counsels for the defendants object to the filing of the same on the ground that the plaintiffs are trying to fill up the lacuna after defendants took an objection in the written statement about the maintainability of the present suit, which was filed without correct site plan. It is further submitted that the plaintiffs have even not yet filed correct site plan of the suit property.

Heard.

Contd....

Case is at its initial stage as issues are yet to be framed in the present matter. As per settled law, parties should be given ample opportunity to prove their case and filing of document does not mean that the same is proved. In the interest of justice, the aforesaid site plan is taken on record subject to cost of Rs.2,500/- to be paid to other side in equal proportion on or before NDOH. **Accordingly, application under Order 7 Rule 14 CPC stands disposed of.**

Ld. counsel for the defendant no. 2 to 4 has filed an application under Section 151 CPC for making correction in the written statement. It is submitted that due to oversight, date of sale deed has been typed as '04.02.1994' instead of '25.01.2016' in the last line of para no. 04 of the written statement.

Keeping in view that the defendants have mentioned date of 25.01.2016 also alongwith 04.02.1994 in para no. 4 of the written statement, the said error appears to be typographical in nature. **Accordingly, aforesaid application stands allowed. Amended written statement be filed within 01 week with copy to other side.**

Be put up for payment of cost, completion of pleadings, filing of original documents, admission-denial of documents and for framing of issues on **25.04.2022.**

Affidavit of admission-denial of documents and proposed issues be also filed on or before the next date of hearing.

(Manjusha Wadhwa)
Additional District Judge -02
Shahdara, Karkardooma Courts,
Delhi: 06.09.2021