

16.12.2024

Present : Sh. Pushkar Walia, Ld. Counsel for Plaintiff with Plaintiff.
Sh. Haim Kumar and Ms. Megha Mahour, Ld. Counsel for Defendant with Defendant.

Matter is listed today for arguments on Defendant's application under Order 8 Rule 1A CPC. Today reply to said application filed by the Plaintiff.

Arguments heard on said application. Record perused.

Ld. Counsel for Plaintiff has vehemently opposed the application by submitting that evidence of Plaintiff has already been closed on 13.12.2023 and said document/Will is not even mentioned in the pleadings of Defendant. Ld. counsel further submits that no reason as to why the said document was not filed earlier was mentioned in the application.

Ld. Counsel for Defendant submits that he came to know about the Will only at the time when he was preparing for defence evidence and Defendant has shown him the original documents, wherein the said Will was also part of those documents.

Heard. Record perused.

Matter pertains to the year 2016. The evidence of the Plaintiff is already concluded. The defendant has not even mentioned the said document in the written statement. If the said application is allowed, the same would cause prejudice to the Plaintiff. From the submissions of Ld. Counsel for Defendant, it is clear that the Will in question was already with the Defendant in her documents. In such

circumstances, the Defendant herself is responsible for her fault. Moreover, new document and new defence at this stage would cause prejudice to the Plaintiff. Further, perusal of instant application shows that no reason whatsoever is mentioned therein as to why, this document was not filed earlier. As such, the application deserves to be dismissed. Hence, **dismissed**.

Put up for DE on 19.03.2025.

(MOHAMMAD EHTESHAM)
District Judge-03 (Shahdara),
KKD Courts, Delhi.16.12.2024.