

PREM LATA AND ANR Vs. MAHAVIR SINGH

10.02.2025

Present: Sh. Bharat, Ld. Counsel for the plaintiff.
Sh. Arjun Bhaskar (through VC) and Ms. Kiran (physically), Ld. Counsels for the defendant.

Matter is at the stage of PE.

List of witnesses filed on behalf of the plaintiffs on 27.11.2024. However, no evidence affidavit filed on behalf of the plaintiffs.

Meanwhile, an application U/o 7 Rule 14 CPC alongwith documents filed on behalf of the plaintiffs on 07.02.2025. Copy is stated to have been already supplied.

Arguments heard on the application U/o 7 Rule 14 CPC, from both the sides.

It is submitted by Ld. Counsel for plaintiffs that by way of the above application, the plaintiffs want to bring on record the factum of lodging of complaint against the defendant dated 13.11.2024 and one copy of sale deed dated 16.02.2000 executed between the plaintiff and a third party, so as to suggest that the defendant has not paid the entire amount to the plaintiff pursuant to the sale transaction of the above property executed between the plaintiff and defendant, as mentioned in Para 2 and 3(bb) of the replication filed by the plaintiffs.

Per contra, it is submitted by ld. Counsel for defendant that above documents have no relevance to the transaction in the present suit, as admittedly, the copy of sale deed dated 16.02.2000 was not executed between the plaintiff and the defendant and the complaint dated 13.11.2024 has been belatedly filed by the plaintiff, as the defendant had already filed

his WS on 18.07.2023 and the plaintiff has also filed his replication thereafter on 29.07.2024, and further, no specific date has been mentioned in the said complaint as to the stolen of any documents as alleged.

Without prejudice to the above and without going into the merits of the purport of the above documents sought to be brought on record by the plaintiffs, it is pertinent to note that the plaintiffs have filed the present suit for simplicitor recovery of amount of Rs.9,47,904/- against the defendant on the basis of a bank transaction for a total amount of Rs.10 lakhs on various dates, out of which an amount of Rs.2,06,775/- was returned by the defendant to the plaintiff on 28.07.2021.

In view of the above, no ground is made out to allow the above application and accordingly, the same is dismissed.

Needless to state that nothing expressed hereinabove shall tantamount to the expression or opinion of this court on the merits of this case and the plaintiffs are always at liberty to prove his documents as per law and to put the said documents to the defendant in his evidence for the purpose of contradictions, if any.

Application U/o 7 Rule 14 CPC stands disposed off.

In the interest of justice, last and final opportunity is given to the plaintiff to lead PE, failing which the right of plaintiff to lead PE shall be closed.

Put up for PE on **09.05.2025**.

(Ankur Jain-II)
DJ-02, SHD District
KKD/Delhi 10.02.2025