

**IN THE COURT OF MS. PURVA SAREEN, ADDITIONAL
DISTRICT JUDGE-01, SOUTH DISTRICT, SAKET COURTS,
NEW DELHI.**

CS No. 639/22

**Anil Gianchandani
Vs.
Amita**

....Plaintiff.

....Defendant.

12.03.2024

Present : Plaintiff in person.

Counsel for defendant.

Reply filed by defendant to application under Order 7 Rule 14 CPC.

ORDER

1. Vide this order, I shall decide an application under Order 7 Rule 14 CPC filed by the plaintiff seeking permission to file additional documents. It is submitted by the plaintiff that the suit was filed by the plaintiff for possession, occupation charges and mesne profit and the defendant in her written statement has alleged that she had already given the possession of the property bearing G-15/11-12, Malviya Nagar, New Delhi in July, 2020 to the plaintiff alongwith materials lying in the property worth Rs.15 Lacs. It is submitted that the plaintiff got the actual possession on 20.10.2023 through a Local Commissioner and the plaintiff is entitled to mesne profit for the entire period till 20.10.2023.

2. Defendant has also alleged in her written statement the plaintiff's daughter wanted to run a prep school and as the plaintiff's

daughter was a qualified professional working as a Talent Lead, Carrier India and drawing the package of Rs.43 Lacs per annum, there was no question of ever running or opening a kids school and that too in peak Covid time. Plaintiff has therefore sought permission of the court to annex the employment details of his daughter alongwith certain emails to show that the stand taken by the defendant is prima facie false and concocted hence, the present application under Order 7 Rule 14 CPC has been moved.

3. Reply has been filed by the defendant to the application wherein she has vehemently opposed the stand taken by the plaintiff as only a delaying tactic and has prayed that the said application be dismissed with cost.

4. Arguments heard and record perused.

5. It has been argued by counsel for the defendant that the documents sought to be filed by the plaintiff were already in the possession of the plaintiff at the time of initiation of the suit and it is the duty cast upon the plaintiff to file all the documents upon which he is relying at the time of filing of the suit.

6. On perusal of the plaint as well as the written statement, this court has come to the observation that a completely new stand has been taken by the defendant with respect to the material/items present in the suit property and the plaintiff should be given an opportunity to rebut this stand of the defendant which had nothing to do with the suit for possession and is completely alien to the prayer sought by the plaintiff.

7. It is observed by the court that the documents sought to be filed by the plaintiff shall not adversely affect the rights of the defendant.

8. Therefore, in the interest of justice, the application of the plaintiff under Order 7 Rule 14 CPC is allowed and the plaintiff is permitted to file the additional documents as per the application. Application under Order 7 Rule 14 CPC stands disposed of accordingly.

9. Let affidavits of admission/denial of documents be filed by both the parties with advance copy to other side.

10. Be listed for framing of issues and further proceedings on 19.04.2024.

(Purva Sareen),
ADJ-01, South District,
Saket Court/ND/12.03.2024