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CS DJ ADJ 10/21

DURGA PARSAD Vs. RAJ KUMAR

15.01.2024

Present: Ms. Sandhya, Ld. Proxy Counsel for Plaintiff
along with Plaintiff.
None for Defendant.

Vide the present order, I would decide the application under Order VII R 14 of CPC moved on behalf of the Plaintiff for placing on record additional documents by the leave of this Court.

I have heard the parties and perused the record.

In the present application, no reason has been given by the Plaintiff as to why these documents could not have been placed on record in the first instance itself. It has not been alleged that the Plaintiff was not aware about the said documents or that he was not in possession of the same.

Even more importantly, it does not appear that the documents are required to adjudicate the present dispute for the reason that the present suit is a suit for partition for the suit property at C-27B, Seva Park, Dwarka Mor, Uttam Nagar, New Delhi-110059. It has been alleged by the Plaintiff that the Plaintiff and Defendant are having half share each in the suit property. In the written statement, the Defendant has specifically admitted the said fact and in fact, has also prayed that the suit property be partitioned. Rather, the present suit appears to be a fit case, *prima facie*, where a decree can be passed under Order XII R 6 of CPC.

For the foregoing reasons, I find that there are

no reasons for allowing the present application. **Consequently, the application under Order VII R 14 of CPC is dismissed and disposed off.**

Parties are directed to appear before this Court in person on the next date of hearing and also to show cause why a preliminary decree of partition under Order XII R 6 of CPC should not be passed based on the pleadings of the parties.

Put up for the purpose fixed as aforesaid on **01.04.2024.**

(DIVYANG THAKUR)
ADJ-03/ SOUTH-WEST
DWARKA/ NEW DELHI
15.01.2024 (A)