

2

CS DJ ADJ 237/2016 15475/16
PAPPU Vs. RAMESHWAR ORS.

01.06.2026

Present: Sh. Dilip Gupta, Proxy Counsel for plaintiff along with plaintiff.
Sh. Hardwari Lal, Ld. LAC for one LR 1(a) namely Rakesh Kumar of deceased defendant no. 1 and as counsel on the behalf of other LRs of deceased defendant no. 1.
LR 1(a) namely Rakesh Kumar of deceased defendant no. 1 in person.
Sh. Aryan Shokeen, Ld. Counsel for defendant no. 8 alongwith defendant no. 8.
Defendant no. 2, 18 and 20 are stated to be expired.
Defendant no. 3 to 17, 19, 21 to 26 are already declared ex-parte vide order dt. 13.03.2024.

Today the matter is fixed for arguments on pending application.

Due to inadvertent mistake on the previous date of hearing application under Order VIII 1A (3) CPC was mistyped as Order VIII Rule 4 CPC. The same stands corrected.

Perusal of the record shows that the plaintiff was directed to file reply to aforesaid application within four weeks however, no reply has been filed.

In the circumstances, this court considers it fit to close the right of plaintiff to file reply to aforesaid application.

By way of application under Order VIII Rule 1A (3) CPC, counsel for LRs of defendant no. 1 seeks to produce two documents i.e. document no. 1 which is a settlement deed dated 08.11.2006 and document no. 2 which is a site plan which allegedly shows the possession of plaintiff

and defendant no. 1 over the property. It is submitted that the document no. 1 although stated in the WS, was inadvertently not filed with the WS.

Counsel for LR of deceased defendant no. 1 points out para no. 2 of the WS in this regard. The perusal of the para no. 2 of WS shows that in the last line of the said para, it is mentioned that settlement dated 08.11.2006 is annexed herewith,. However, no such document is annexed. Counsel for LR of defendant no. 1 also points out para no. 3 of parawise reply in which a site plan is referred to however said site plan is not annexed.

Considering that non-filing of the said documents appears to be inadvertent error on the part of the previous counsel, this court deems it appropriate to allow the said application.

It is made clear that the abovesaid documents have merely been taken on record and they still need to be proved in accordance with the law.

Application is disposed of accordingly.

List for further proceedings on **20.08.2026**.

(Abhitosh Pratap Singh Rathore)
DJ-05 (SW)/Dwarka Courts
New Delhi: 01.06.2026