

09.08.2017

Present: Ms. Jatinder Marwah, counsel for the plaintiff.  
Sh. Sanni Kumar, counsel for defendant nos.1 & 2.  
Defendant nos.3 & 4 already proceeded exparte vide order dated 01.07.2017.

Today, the matter is fixed for PE, however, an application has been moved on 25.07.2017 on behalf of plaintiff under Order 7 Rule 14 CPC seeking permission to file original documents. Photocopies of which are already on record. Copy of the application already supplied to counsel for defendant nos.1 & 2.

Reply to the said application filed by defendant nos.1 & 2 today. In the reply, it is contended that the application is false, frivolous and liable to be dismissed.

Heard.

On the perusal of the record, it reveals that the plaintiff has already filed the photocopies of the documents original of which is sought to be taken on record by way of this application. The defendants were already aware of the documents and they have not been taken by surprise.

Moreover, the Hon'ble Supreme Court in ***Kapil Kumar Sharma Vs. Lalit Kumar Sharma and Anr.*** **MANU/SC/1170/2009** while setting aside the decision of the Division Bench as also Single Bench has held that the application under Order 7 Rule 14 read with Section 151 CPC requires to be allowed as the cross examination of the witness had not yet commenced. The Hon'ble Supreme Court recently in ***Chakreshwari Construction Pvt. Ltd. Vs. Manohar Lal*** **MANU/SC/0160/2017** decided on 10.02.2017 has held as under:-

**“18. Similarly, the law also permits the parties to file additional evidence at any stage of the trial (Order 7 Rule 14 (3) including at the first or/and second appellate Stage (Order 41 Rule 27) with the leave of the Court provided a case is made out to seek such indulgence.”**

In view of the settled law, facts and circumstances of the present case where the plaintiff is yet to adduce her evidence and the defendant having ample opportunity to cross examine the plaintiff's witnesses and moreover, the photocopies of the documents, originals of which is sought to be taken on record by way of present application, are already on record, the application of the plaintiff under Order 7 Rule 14 CPC deserves to be allowed and thus the same is allowed. Documents mentioned in the application

are taken on record.

Needless to state, the observations made herein above are confined to the decision of the aforesaid application and shall not be treated as an expression on admissibility and construction of the documents which shall be determined only when the plaintiff adduce evidence.

At this stage, plaintiff is seeking adjournment for adducing the PE on the ground that SPA of the plaintiff Sh. Maninder Singh Anand is unwell and has shown the medical certificate to this effect.

In view of the fact, now to come up for PE on 01.09.2017. Affidavit in PE be filed in one go under advance copy thereof to opposite party at least three days prior to next date. List of witnesses be filed by both the parties within 15 days from today.

(MOHD. FARRUKH)  
ADJ (SW)/PILOT COURT/ DWARKA COURTS(an)  
09.08.2017