

04.01.2025

Present: Sh. Santosh Chauriha, Ld. counsel for plaintiff.
Sh. Anup Verma, ld. counsel for defendants.

(1) An application under Order VII Rule 14(3) CPC filed on behalf of plaintiff to take on record additional documents, which are already filed with the replication.

(2) Arguments heard on behalf of both parties.

(3) Ld. counsel for plaintiff submits that initially he has filed suit under Order XXXVII CPC for recovery of Rs.5 lakhs from the defendants and vide order dated 26.04.2024, conditional leave was granted to the defendants and he filed written statement in reply to the plaint. It is also submitted that plaintiff has filed additional documents alongwith the replication i.e. in reply to the written statement and additional documents are necessary for adjudication of dispute between the parties.

(4) *Per contra*, ld. counsel for defendant vehemently opposed the present application mainly on three grounds; *firstly*, agreement dated 13.08.2015 is forged and fabricated; *secondly*, four cheques for Rs.20 lakhs each have no relevancy to the dispute between the parties as present dispute is for recovery of Rs.5 lakhs only; and *thirdly*, FIR No.121 of 2021 has already been cancelled, hence has no relevancy to the present proceedings.

(5) This Court carefully gone through the material available on record as well as the submissions made by the parties.

(6) It is settled law that, where the plaintiff sues upon a document or relies upon document in his possession or power in support of his claim, he shall produce it when the plaint is presented and if not produced, shall not

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without the leave of the Court, be received in evidence on his behalf at the hearing of the suit. It is the case of the plaintiff that he has invested certain amount with defendant in lieu of which defendant issued two cheques for Rs.2,50,000/- each but same were dishonoured.

(7) By way of present application, plaintiff is intended to place on record three documents i.e. agreement dated 13.08.2015, photocopies of four cheques amounting to Rs.80 lakhs and FIR No.121 dated 21.04.2021. Thus, considering the facts and circumstances of the present case, this Court is of the opinion that these documents are necessary for adjudication of actual dispute between the parties. However, it is clarified that, relevancy and admissibility of the additional documents is to be adjudicated at the appropriate stage. In view thereof, the present application under Order VII Rule 14(3) CPC stands allowed.

(8) Pleadings are already complete.

(9) Ld. counsel for plaintiff submits that defendants have not filed any documents, hence admission-denial is not applicable. Ld. counsel for defendants denied all the documents filed on behalf of plaintiff.

(10) As per the pleadings between the parties, following issues are framed:-

- (i) Whether the plaintiff is entitled for decree of Rs.5 lakhs against the defendants, as prayed for? OPP
- (ii) Whether the plaintiff is entitled for pre-suit, pendente lite and future interest on decretal amount, if any, and if affirmative, at what rate and for what period? OPP.
- (iii) Whether the plaintiff is entitled for cost of the present suit, as prayed for? OPP.
- (iv) Relief.

- (11) No other issue arises or pressed for.
- (12) Parties shall file list of witnesses within fifteen days. Plaintiff shall file evidence by way of affidavit for all witnesses within four weeks with advance copy to the defendants.
- (13) Put up for P.E. on 03.04.2025.

(SHILPI M JAIN)
DJ-05 (SW)/Dwarka Courts
New Delhi: 04.01.2025