

13 CS DJ ADJ 880/19 NAMRATA HANDA Vs. SANDEEP HANDA

10.02.2025

**One of regular steno is on leave and no substituted steno is available.**

Present: Sh. Abhishek Kumar, Ld. Counsel for plaintiff (through VC).  
Plaintiff in person.  
Sh. Darshan Raj and Sh. Abhishek Sirohi, Ld. Counsels for defendant.

1. Application u/o VII Rule 14 r/w Sec. 151 CPC is pending for disposal.

2. Submissions heard. Record perused.

3 By way of present application, plaintiff is seeking leave to produce copy of expert opinion dt. 11.03.2022. It is submitted that, plaintiff has procured the same subsequent to filing of present suit and infact annexed the same with the replication.

4. *Per contra*, Ld. Counsel for defendant vehemently opposed present application. Contention of defendant is two fold. *Firstly*, document was not in existence at the time of filing of the present suit hence, cannot be taken on record. *Secondly*, alleged expert report is merely a photocopy and is not the valid document.

5. It is settled law that, where a plaintiff sues/relies upon a document in his possession or power in support of his claim, shall enter such document in the list and produce the same at the time of presentation of plaint. However, where such document is not in possession or power and

ought to be produced at the time of institution of the suit, cannot be produced without leave of the court. Record reveals that, issues were framed on 22.02.2022 by Ld. Predecessor of this court. Admittedly, additional document executed subsequent to said date. Perusal of replication reveals that, plaintiff made allegation of forgery upon the defendant and stated to be obtained expert opinion in 2020. Though, present additional document i.e. copy of expert opinion is of the year 2022 but, relevancy and admissibility of the same is to be decided at appropriate stage.

6. In view thereof, **present application u/o VII Rule 14 CPC stands allowed. Additional document i.e. expert report is taken on record subject to cost of Rs. 1,500/- to be paid to the defendant.**

7. Put up for PE on 13.05.2025.

(SHILPI M JAIN)  
DJ-05 (SW)/Dwarka Courts  
New Delhi: 10.02.2025 (sr)