

CIV DJ      9262/2016  
Pato Builders P Ltd Vs.  
Union of India & Anr.

18.02.2025

Present:      Proxy counsel for Ms. Rajashree Ajay, Ld. Counsel  
for plaintiff (through VC).  
Proxy counsel for Sh. Sayak Bandyopadhyay, Ld.  
Counsel for defendants (through VC).

Arguments heard on pending application u/o VIII  
Rule 1A(3) r/w Sec. 151 CPC, filed on behalf of defendants for  
seeking permission to place on record an additional document.

By way of present application, show cause notice  
bearing no. 23/EOT/DCC-XII/W-II/11, dated 09.09.2013,  
purportedly issued against plaintiff company by D-2, is sought to  
be placed on record mainly stating that copy of the notice was  
provided to earlier panel advocate of the defendants, that  
although in Written Statement filed on behalf of the defendants  
averments were made regarding issuance of the said notice,  
however, erroneously/ mistakenly copy of the same could not be  
attached therewith and that it was only on 07.08.2024 when the  
present counsel was preparing to exhibit the documents during  
defendants' evidence, it was revealed that the notice is not on  
record.

In reply filed on behalf of the plaintiff, the afore-  
mentioned plea is opposed mainly on the ground that the  
document is being filed at a very belated stage as for the last  
more than six years the matter has been fixed for DE.

*Contd..2..*

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It is observed that although the document under consideration i.e. show cause notice, was not filed along with the written statement, however, in the written statement the factum of its issuance to the plaintiff company has been specifically averred with all particular details. Hence, no prejudice would be caused to the plaintiff side if the document is permitted to be placed on record. As far as aspect of delay in filing the present application is concerned, so far no witness has been examined during DE and the plaintiff side can be compensated in monetary terms.

In view of above discussion, the present application is being allowed subject to payment of cost of Rs.2,000/-, to be paid to the plaintiff side. Copy of the show cause notice is taken on record. Cost not paid.

Put up for DE on **06.05.2025**.

**(GOPAL SINGH CHAUHAN)**  
**DJ-03, WEST/DELHI**  
**18.02.2025**