

MANJU VATS Vs. MEENA PANDEY

19.01.2026

VC of the Court is not working and complaint, in this regard, has been made.

Present: None for petitioner.
Sh. Achin Saxena, Id proxy counsel for respondent.

**ORDER ON THE APPLICATION FILED UNDER
ORDER VIII RULE 1 A (3) CPC.**

- 1) Vide this order, I shall decide the abovesaid application filed on behalf of the respondent.
- 2) By way of present application, the respondent wants to place on record the copies of the cross examination of the petitioner conducted in a case bearing no. CS (OS) 1281/2015 titled Manju Vats Vs Meena Pandey before Hon'ble High court of Delhi on 10.07.2024, 22.10.2024, 20.01.2025 and 21.01.2025.
- 3) It is averred in the application that the abovesaid copies of the cross examination of the petitioner could not be filed earlier as the cross examination of petitioner/Smt Manju was conducted in the present case before her cross examination conducted in the abovesaid case pending before Hon'ble High court of Delhi.

- 4) It is averred in the application that the certain facts narrated by the petitioner in the abovesaid cross examination have direct bearing on the fact and circumstances of the present case and the petitioner has given answer on the aspect of execution of Will, which is subject matter of present petition.
- 5) It is averred in the application that the non-filing of abovesaid statements of petitioner earlier is neither intentional nor deliberate.
- 6) Reply of the present application has been filed on behalf of the petitioner.
- 7) In the reply, petitioner contended that copies of the cross examination of the petitioner can be taken on record but these copies of the cross examination of the petitioner cannot be considered for deciding the present revocation petition as the same is barred by law.
- 8) It is further contended that the cross examination recorded in other proceedings is being sought to be filed as a document and any document, if taken on record cannot be read without its formal proof in accordance with law of evidence. It is further contended that the cross examination of petitioner conducted in another case, cannot be read in the other proceedings.

- 9) It is further contended that the application has been filed after conclusion of arguments and has been filed at highly belated stage and this application does not disclose the relevancy of document, sought to be produced by the respondent. It is further contended that the application is totally evasive and does not spell out as to which statement alleged to be made in another suit, is relevant in the present petition.
- 10) It is further contended that the matter of present petition is entirely different from the matter in issue in civil suit. It is further contended that in the present proceedings, only due execution of Will, has to be considered and no question of title of the parties upon the property mentioned in the Will has to be decided.
- 11) It is further contended that the statement of petitioner made in other proceeding cannot be used against the petitioner without confronting the petitioner with that statement, as per Section 145 of Indian Evidence Act and the said statement, if presumes to be admission of certain facts by the petitioner, the said admission is subject to explanation under Section 31 of Indian Evidence Act and unless opportunity to explain the alleged admission is given, the alleged admission cannot be read against the petitioner.

- 12) It is further contended that the document sought to be filed is an incomplete document as the respondent has not placed examination in chief of the petitioner on record.
- 13) Arguments heard. Case file perused.
- 14) Ld counsel for the petitioner has relied upon para no. 29, 30 & 32 of judgment titled “UOI vs Abraham Uddin & anr, (2012) 8 Supreme Court Cases 148 and the same are reproduced as under:

“29. The inadvertence of the party or his inability to understand the legal issues involved or the wrong advice of a pleader or the negligence of a pleader or that the party did not realise the importance of a document does not constitute a "substantial cause"

within the meaning of this rule. The mere fact that certain evidence is important, is not in itself a sufficient ground for admitting that evidence in appeal.

30. The words "for any other substantial cause" must be read with the word "requires" in the beginning of sentence, so that it is only where, for any other substantial cause, the Appellate Court requires additional evidence, that this rule will apply, e.g., when evidence has been taken by the lower Court so imperfectly that the Appellate Court cannot pass a satisfactory judgment.

32. The reasons need not be recorded in a separate order provided they are embodied in the judgment of the appellate Court. A mere reference to the peculiar circumstances of the case, or mere statement that the evidence is necessary to pronounce judgment, or that the additional evidence is required to be admitted in the interests of justice, or that there is no reason to reject the prayer for the admission of the additional evidence, is not enough compliance with the requirement as to recording of reasons”.

- 15) The statement of petitioner recorded in another case is not substantive piece of evidence in the present case. The statement of petitioner recorded in another case can be used only for contradicting the witness under Section 148 of BSA, 2023 (Section 145 of Indian Evidence Act) or for corroborating the witness under Section 158 of BSA, 2023 (Section 157 of Indian Evidence Act). Without confronting the petitioner with her statement given in other case, the said statement cannot be read against the petitioner.
- 16) In the present case, evidence of the respondent has been closed on 14.03.2024. Final arguments has been heard on 05.08.2024, 19.12.2024, 30.01.2025 and 01.05.2025. On 01.05.2025, the matter was adjourned for hearing arguments in rebuttal for 06.06.2026. Final arguments on behalf of the respondent has already been closed. Now, by way of present application, the respondent cannot again re-open the arguments already addressed on behalf of petitioner as well as respondent.
- 17) Moreover, without proving the abovesaid statement of petitioner as well as without confronting the petitioner with the abovesaid statement, there is no use to allow the respondent to file the said statement on record.

18) In view of the forgoing discussions, this court does not find any merit in the application of the respondent and the same stands **dismissed**.

None is presnet on behalf of the petitioner for addressing arguments in rebuttal.

Put up for arguments in rebuttal on behalf of the petitioner on **20.01.2026**.

(SHIV KUMAR)
DJ-02 (W)THC:Delhi
19.01.2026