

05.07.2025

Matter received by way of transfer with the order of Ld. Principal District & Sessions Judge (West District) No. 822/16924-16943/Cases transfer/Gaz./PDJ West/2025 dated 09.06.2025 in pursuance of Hon'ble High Court of Delhi, New Delhi posting/transfer Order No. 15/D-3/Gaz.IA/DHC/2025 dated 30.05.2025. It be checked and registered as per rules.

Present Shri Shah Dev, Ld. Proxy Counsel for Ld. Counsel Shri Harish Kumar for the plaintiff.

Shri Ashok Kumar, Ld. Counsel for defendant.

An application under Order 7 Rule 14 CPC filed on behalf plaintiff is pending adjudication. Defendant has filed reply to the application today. Copy supplied. Ld. Counsel for the plaintiff has also filed an application for placing on record post mortem report of deceased Yasib. Copy supplied.

Arguments on the application under Order 7 Rule 14 CPC heard.

It is submitted that some documents could not be filed inadvertently alongwith the plaint. The said document have been received by the plaintiff recently. The criminal case is pending against NDPL under Section 304A IPC bearing FIR No. 163/12 PS Patel Nagar before Ld. JFMC, Tis Hazari Courts. Ld. Counsel for plaintiff inspected the said case file and it was revealed that the post mortem and MLC report are part of the charge sheet. The plaintiff applied for certified copy of the post mortem report and the documents which were received on 26.04.2025. The said documents are material for proper adjudication of this case. No prejudice would be caused to the other party, if the said documents are taken on record.

Ld. Counsel for plaintiff submits that the said documents were not supplied by the IO to the plaintiff earlier despite plaintiff being the father of the deceased.

In the reply it is submitted that final arguments were heard in the matter on 24.03.2025 and the matter was listed for clarifications/ orders for 28.03.2025. Ld. Counsel for defendant has argued that during the entire trial, plaintiff sought adjournment for leading evidence. The documents which the plaintiff wishes to bring on record were very well his knowledge as those documents were very much available in case bearing FIR No. 163/12 PS Patel Nagar and only in order to fill up the lacunas and improve his case. The plaintiff has moved this application. It is argued that the application is not maintainable. Ld Counsel for defendant has relied upon the following case laws in support of his arguments : *Ms/ Bagai Construction v. M/s Gupta Building Material Store AIR 2013 SC 1849, Arjun Singh v. Mohindra Kumar AIR 1964 SC 993 and Dileep Singh v. Girija Devi 2024 DHC 6843.*

Record perused.

The documents which the plaintiff wishes to bring on record is the part of the judicial record in FIR No. 163/12 PS Patel Nagar. Judicial notice can be taken by the Court of the said judicial record. In such circumstances, the Court deems it fit that the Court allows the placing on record the said post mortem report and the MLC which are part of the charge sheet, taking judicial notice of the record. Moreover, the defendant is also well aware about the pendency of the case before Ld. JFMC having jurisdiction over PS Patel Nagar. Taking on record the said documents would aid in proper adjudication of the matter. The post mortem report and the MLC is taken on record as it is a part of the judicial record. Accordingly, the

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application under Order 7 Rule 14 CPC moved on behalf of the plaintiff stands disposed of.

Evidence is already complete.

Put up for final arguments for 23.07.2025.

SUSHEEL BALA DAGAR
DISTRICT JUDGE-08
WEST/DELHI/05.07.2025