

## TARANJEET SINGH Vs. GAGAN BRAR

19.05.2026

Present: Sh. Nikhil Malhotra, Ld counsel for the plaintiff through VC.  
Sh. Yogesh Rathi alongwith Sh. Ansh Sharma Ld counsel for the defendant alongwith defendant in person.

Reply of application u/o 7 rule 14 CPC has been filed on behalf of defendant, copy of the same has already been supplied to ld. counsel for the plaintiff.

Ld. counsel for the defendant submits that he has been supplied deficient copies of the plaint on 6.12.2025 and written statement has been filed on 5.1.2026 which within 30 days.

Ld. counsel for the plaintiff has admitted that the deficient copies has been supplied to ld. counsel for the defendant on 6.12.2025. Ld. counsel for the plaintiff further submitted that the same copy supplied by him to ld. counsel for the defendant which were earlier supplied.

Vide order dated 26.11.2025, ld. counsel for the defendant was allowed to file W.S within 30 days from receiving the deficient copies and the deficient copies has been supplied to ld. counsel for the defendant on 6.12.2025 and W.S has been filed on 5.1.2026, which is within 30 days from the date of receiving the deficient copies, therefore W.S of defendant is taken on record.

Arguments heard on application u/o 7 rule 14 CPC.

Contd. 2

Ld. counsel for the defendant submits that the documents have been filed alongwith application 7 rule 14 CPC by the plaintiff after going through the contents of the WS filed by the defendant.

Ld. counsel for the plaintiff submits that he has filed the documents to show the financial capacity of the plaintiff after going through the contents of the W.S. of defendant and these documents were not required by the plaintiff to be filed with the plaint.

I have perused a judgment passed by the Hon'ble High Court of Delhi in a case tilted Pradeep Bailey Vs Gilma Daniel in CM (M) 1506/2023 & CM Appl. 47944/2023, and the Hon'ble High Court of Delhi has discussed the settled principles of order 7 rule 14 CPC in the said judgment and the relevang paras of the said judgment are mentioned as under:

*11. A plain reading of Order 7 Rule 14 CPC makes it clear that plaintiff has to present the relevant documents with the plaint. Subsequently, such documents cannot be presented without the leave of the court. The provision thus creates a bar on production of additional documents if the same have not been mentioned in the list of documents annexed to the plaint and produced at the time of filing the same, unless the leave of the court is sought. This principle was reiterated by the Coordinate Bench of this Court in Polyflor Limited Vs. Sh. A. Goenka & Ors. in OA No. 84/2016 CS (OS) 504/2016.*

*12. The Coordinate Bench of the this Court in Haldiram (India) Pvt. Ltd. (supra) held that it is a discretionary power of the court to allow belated filing of a document. The relevant portion of the judgment is reproduced as under:*

*"21. In any event, both under the old Order 7 Rule 18 sub-rule (1) and new Order 7 Rule 14 sub-rule (3) CPC a new document can certainly be produced on behalf of plaintiff at the final hearing of suit, but the same has to be done with leave of the Court. It is not that the plaintiff has a legal vested right to file a document at a belated*

*stage i.e. at the final hearing of the suit. The said provision gives a discretionary power to the Court, which needless to say has to be exercised in a reasonable and legal manner. In fact, this power has to be exercised sparingly and for some overpowering reason and not as a matter of routine. If petitioners' interpretation of Sub Rule 3 is accepted, it would make it impossible for the trial court to conclude the hearing of any suit."*

*15. In the case of Mohanraj Vs. Kewalchand Hastimal Jain & Ors., AIR 2007 Bom. 69, the Bombay High Court discussed the object of Order 7 Rule 14 CPC and observed that the provision is enacted to assist the parties and the courts in the manner of production of documentary evidence while adjudicating the disputes, to arrive at an appropriate decision on the matter. In this regard, the provision is to be construed liberally and a pedantic approach should not be taken while enforcing the provision of law. A documentary evidence which is relevant and material for the just and appropriate decision should be allowed to be produced and merely because the party failed to enter the same in the list annexed to the plaint, it should not be ignored unless the plaintiff can show that there would be real prejudice caused if such permission is granted.*

*21. The trial court failed to appreciate that additional documents sought to be placed were relevant to counter the averments of the respondent, as mentioned in the written statement. Undisputedly, the documents are relevant. Some of the documents are in fact public documents. The authenticity and genuineness of the documents can be considered after granting an opportunity to the petitioner to prove the same. The contention of the petitioner that Wills dated 19.09.2000 & 24.08.2000 were not in his possession and he received them from his sister in law at a later stage, and therefore, being filed belatedly, cannot be disbelieved at this stage. The learned trial court disbelieved the argument of the petitioner that documents could not be filed due to negligence of the previous counsel of the petitioner. Be that as it may, even if it was a mistake on the part of the petitioner, as per the decision of the Coordinate Bench in the case of Nishant Hannan (supra), the parties do make the mistakes in the conduct of their cases and therefore such mistakes should be allowed to be corrected unless there is a great prejudice to the other side. The trial is still at an initial stage. The parties are yet to lead evidence, and therefore, no great prejudice shall be caused to the respondent in case the documents are allowed to be taken on record.*

*22. The procedural rules under the CPC are intended to ensure substantive justice and exclusion of the documents in the present case would amount to elevating procedural technicalities over substantive justice, thereby, defeating the very purpose of fair adjudication.*

*Contd. 4*

In the present case, the issues have not yet been framed and the case is at initial stage and no prejudice would be caused to the defendant, if the additional documents of the plaintiff are taken on record. Therefore, the application filed u/o 7 rule 14 CPC stands allowed.

From the pleading of the parties, following issues are framed for adjudication:

1. Whether the plaintiffs are entitled to receive amount of Rs. 10 lakh from the defendant? OPP
  
2. Whether plaintiffs are entitled to obtain pendente lite and future interest @ 12% p.a on the above said amount of Rs. 10 lakh from the defendant till realization of the above said amount? OPP
  
3. Whether the plaintiffs are entitled for decree of injunction thereby restraining the defendant and her representative from selling, mortgaging or creating third party interest upon the suit property. i.e. entire roof/terrace of ground floor, and above (with) further roof rights), land ad-measuring 65 sq. yards having property no. S-1/101, situated at old Mahabir Nagar, New Delhi? OPP
  
4. Whether the plaintiffs have not approached the court with clean hands and have suppressed material facts from the court? OPD
  
5. Whether the suit of the plaintiffs is bad for non-joinder of necessary parties? OPD
  
6. Relief

No other issue arises or is pressed for. List of witnesses be filed within 15 days from today by both parties. Contd.5

Put up for plaintiff's evidence by way of affidavits.  
Advance copy of the affidavit of the witness to be examined on the next date be supplied to the opposite party atleast 10 days prior to the next date of hearing.

Put up for PE on 25.08.2026.

(SHIV KUMAR)  
DJ-02 (W)THC:Delhi  
19.05.2026