

IN THE COURT OF MS. VRINDA KUMARI
ADJ-07 : WEST DISTRICT : DELHI

Civ DJ No. 171/23

In the matter of :

**1. Sh. Subhash
S/o Late Sh. Bhogi Ram
R/o House No. 2961, Gali No. 12,
Ranjeet Nagar, DelhiPlaintiff**

Versus

**1. Sh. Rajinder Singh
S/o Late Sh. Bhogi Ram
R/o House No. 2961, Gali No. 12,
Ranjeet Nagar, Delhi**

2. Sh. Sukh Ram
S/o Late Sh. Bhogi Ram
R/o House No. 2961, Gali No. 12,
Ranjeet Nagar, Delhi

**3. Sh. Man Singh
S/o Late Sh. Bhogi Ram
R/o House No. 2961, Gali No. 12,
Ranjeet Nagar, Delhi** Defendants

ORDER

1. Vide this Order, I shall dispose of the application u/O 7 r
14 CPC r/w section 151 CPC of plaintiff for grant of permission to

file documents.

2. It is submitted by the plaintiff that he has filed the present suit against the defendant seeking partition and permanent injunction. After the Written Statement was filed by the defendants, plaintiff came to know about the forged and fabricated Partition Deed dated 30.05.2001. Thereafter, the present suit was amended by the plaintiff. The application u/O 6 r 17 CPC of the plaintiff was allowed vide Order dated 12.04.2023. Thereafter, the defendants started to raise the construction on the suit property and when the plaintiff and his wife objected to the same, the plaintiff's wife and his minor son were beaten up by the defendants on 10.03.2023. In this regard, an NCR No. 0015/2023 was registered at PS Ranjeet Nagar, Delhi on 11.03.2023. It is submitted that the plaintiff also gave a complaint to SHO PS Ranjeet Nagar, Delhi on 27.03.2023 with regard to the illegal construction raised by the defendants on the suit property. Plaintiff also lodged a complaint with the Deputy Commissioner, MCD on 27.03.2023 in this respect. It is also submitted that after service of the summons in the present case, defendants have been raising illegal construction on the suit property. In such circumstances, the plaintiff seeks to bring on record the

following documents:

- (a) Copy of NCR dated 11.03.2023 vide NCR No. 0015/2023.
- (b) Photocopies of medical documents of the wife of the plaintiff (3 pages).
- (c) Copy of complaint dated 27.03.2023 given to SHO PS Ranjeet Nagar, Delhi alongwith receipt.
- (d) Copy of complaint dated 27.03.2023 given to Deputy Commissioner, Karol Bagh Zone, MCD, Delhi.
- (e) Photographs showing the construction on the suit property as well as injury occurred on the wife of the plaintiff in her hand.
- (f) Copy of medical documents of wife of the plaintiff dated 03.05.2023 conducted by Dr. Ram Manohar Lohia Hospital, New Delhi.
- (g) Copy of complaint dated 13.05.2023 given to the SHO PS Ranjeet Nagar, Delhi alongwith postal receipt.
- (h) Copy of complaint dated 23.05.2023 sent to Commissioner of Police, DCP and ACP alongwith postal receipt.
- (i) Copy of RTI received from the office of MCD dated 25.05.2023 alongwith complaint given by the plaintiff to Commissioner, DPCC, Delhi on 01.06.2023.

3. In their reply, the defendants have opposed the application. It is submitted that father of the plaintiff had partitioned the property during his life time and had handed over the possession of the respective portions to the plaintiff and the defendants. The defendants raised the construction in their respective portions which are in their possession. The defendants have relied upon a registered partition deed dated 30.05.2001. It is also submitted that the documents sought to be placed on record are irrelevant and the present application has been filed only to delay the matter further.

4. I have heard detailed arguments and have perused the record carefully.

5. The present suit is a suit for declaration, partition and permanent injunction. In the prayer clause (c) of the plaint, the plaintiff has sought to restrain the defendants from raising any construction on the suit property and from creating any third party interest therein. Vide the present application, the plaintiff seeks to place on record the documents related to a subsequent event dated 10.03.2023 to show that the defendants were still raising construction on the suit property which was objected to by the plaintiff.

6. The relevance and admissibility of these documents are a subject matter of trial. Since the documents are related to a subsequent event, therefore, they could not have been filed at the initial stage.

7. **In these circumstances, the application u/O 7 r 14 CPC of the plaintiff is allowed. The documents as mentioned in the application of the plaintiff and filed alongwith the application are taken on record. Application stands disposed of accordingly.**

PRONOUNCED IN OPEN COURT ON THIS 02nd DAY OF JANUARY 2024

**(VRINDA KUMARI)
ADJ-07/(W)/TIS HAZARI COURTS
DELHI/02.01.2024(R)**