

CNR No.DLCT01-01241-2026

6 Misc DJ 461/26

AJIT SINGH Vs. HANS RAJ

14.08.2026

Present: Sh. Rahul Kumar, Ld Counsel for applicant.

In view of joint statement of all the LRs of deceased plaintiff no.2 late Sh. Anand Prakash recorded separately vide order dated 10.08.2026, death certificate of plaintiff no.2 late Sh. Anand Prakash, Computerized copy of surviving member certificate No. 90660000298186 issued by Revenue Department Govt. of NCT of Delhi, office of the District Magistrate, Saraswati Vihar, North West, Delhi, are taken on record.

Heard. Perused.

In view of death certificate of plaintiff no.2 late Sh. Anand Prakash, Computerized copy of surviving member certificate No. 90660000298186 issued by Revenue Department Govt. of NCT of Delhi, office of the District Magistrate, Saraswati Vihar, North West, Delhi, filed on record and also in view of application under Order 13 Rule 9 CPC on behalf of LRs of plaintiff no.2, legal representatives of the deceased plaintiff no.2, namely Smt. Leela Devi (wife), Ms. Akanksha Verma (daughter), Piyush Prakash (son) & Kush Parkash (son), as mentioned in para no.4 of the application under Order 13 Rule 9 CPC, they are entitled to be brought on record in substitution of the deceased plaintiff no.2.

Applicant has moved application under Order 13 Rule 9 CPC on behalf of LRs of plaintiff no.2 for return of the original documents i.e. Will dated 19.07.1993 and Sale Deed dated 14.02.1972.

“The Rule 21 of part (g) of Chapter 1 of volume 1 of Hon'ble High Court of Delhi rules and orders containing instructions to Civil Courts in Delhi at page number 125 mentions return of documents which reproduced as under:-

21. Return of document – Documents admitted in evidence can be returned to the persons producing them, subject to the provisions of Order XIII Rule 9 (as amended by the High Court by Notification No.563-G, dated the 24th November, 1927). If an application is made for return of a document produced in evidence before the expiry of the period for filing an appeal or before the disposal of the appeal (if one is filed) care should be taken to require a certified copy to be placed on the record, and to take an undertaking for the production of the original, if required.

In pending cases, application for return of documents should be made to the court where the case is pending.

In decided cases, the officer-in-charge of the Record Room should return the documents without consulting the original court only when the applicant delivers a certified copy to be substituted for the original and undertakes to produce the original if required to do so.

In all other cases, application shall be made to the original court or its successor. If the court considers that the document may, under Order XIII, Rule 9, be returned, it shall record an order accordingly.

The application should then be presented to the officer-in-charge of the Record Room who will pass an order for return of the document.

Further, Rule 9 of Order 13 of CPC mentions

about return of admitted documents on filing of certified copy provided no appeal is pending or that time for preferring an appeal has elapsed. The said rule is reproduced hereunder:-

9. Return of admitted documents.— (1) Any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on record shall, unless the document is impounded under rule 8, be entitled to receive back the same-

(a) where the suit is one in which an appeal is not allowed, when the suit has been disposed of, and

(b) where the suit is one in which an appeal is allowed, when the court is satisfied that the time for preferring an appeal has elapsed and that no appeal has been preferred or, if an appeal has been preferred, when the appeal has been disposed of:

[Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying therefore-

(a) delivers to the proper officer for being substituted for the original,-

(i) in the case of a party to the suit, a certified copy, and

(ii) in the case of any other person, an ordinary copy which has been examined, compared and certified in the manner mentioned in sub-rule (2) of rule 17 of Order Vii, and

(b) undertakes to produce the original, if required to do so:]

Provided also, that no document shall be returned which, by force of the decree, has become wholly void or useless.

(2) On the return of a document admitted in evidence, a receipt shall be given by the person receiving it.

Sub-rule (2) of Rule 17 of Order 7 CPC laid down that how the original entry is to be marked and returned which is reproduced as hereunder:-

(2) Original entry to be marked and returned.— The court, or such officer as it appoints in this behalf, shall forthwith mark the document for the purpose of identification; and, after examining and comparing the copy with the original, shall, if it is found correct, certify it to be so and return the book to the plaintiff and cause the copy to be filed.”

Arguments are heard and record perused.

It is noted that vide order dated 21.08.2006, suit was rejected under Order II Rule 2 & 3 CPC against defendants for possession and recovery of damages.

In the circumstances of the case the original documents be returned to the applicants/LRs and a separate undertaking needs to be furnished by the applicants/LRs at the time of return of original documents that they will produce the original documents as and when was required and asked from them to produce the same. An affidavit be also filed that no appeal or stay is pending before any Court of Law in respect of judgment dated 21.08.2006. Only those documents are allowed to be returned to the applicants/LRs on due receipt which only are filed by the applicants/LRs on filing of certified copy of the same. Hence application stands disposed off.

Miscellaneous file be consigned to record room.

(SHEFALI BARNALA TANDON)
District Judge-04(Central)
Tis Hazari Courts Delhi
14.08.2026(g)