

10.08.2026

Present: Sh. Y. K. Sharma, Id. Counsel for plaintiff with AR of the plaintiff.
Sh. B. D. Sharm alongwith Sh. Yatesh Kaushik, Id. Counsel for defendant no. 1 and 2.
Sh. P. K. Chauhan (through VC), Ms. Jyoti Sahni and Sh. Riswant Kumar (present in court), Id. Counsel for defendant no. 4 and 5 with defendant no. 5 in person.

Ld. Counsel for defendant no. 4 and 5 submits that wrong address of defendant no. 4 and 5 is mentioned in the memo of parties.

Ld. Counsel for the plaintiff submits that they have mentioned correct address of defendant no. 4 and 5 in memo of parties.

To cut short the controversy, both defendant no. 4 and 5 are directed to file their address form on the NDOH.

Arguments on application u/o 13 Rule 1 r/w section 151 CPC heard. Case file perused.

Perusal of case file shows that vide order dated 11.08.2025, above application is treated as an application u/o 8 rule 1A (3) CPC.

Ld. Counsel for defendant no. 1 and 2 submits that defendant no. 1 has filed five eviction petition before Ld. ARC, Karkardooma Courts, Delhi out of which four got settled and only in one matter titled as 'Kamla Devi V/s. Ram Dulari' bearing Eviction

Petition no. RC/ARC/1217/2016 eviction order was passed against Ram Dulari / defendant no. 4. He further submits that one half share of the suit property was sold out by defendant no. 1 through registered sale deed to Sh. Virender Kumar Gupta who is in possession of the suit property. Sh. Virender Kumar Gupta filed an application u/o 1 rule 10 CPC before this court and same was disposed off vide order dated 27.11.2024. He further submits that Sh. Virender Kumar Gupta also filed a civil suit before the Ld. ADJ, Shahdara, Delhi and local commissioner was appointed by the court vide order dated 13.01.2025 and Ld. LC filed his report before the court of Sh. Ankur Jain II, Ld. DJ – 02, Shahdara which is still pending. The plaintiff also filed an appeal no. 01/21 titled as '*Rahul Awasthi V/s. Kamla Devi and Ors.*' before the court of District Magistrate against the cancellation of GPA deed and same is also dismissed vide order dated 04.04.2025.

Ld. Counsel for defendant no. 1 and 2 submits that vide the present application, they want to bring on record 03 documents which are as follows :

(1) copy of order dated 04.04.2025 passed by the court of District Magistrate, Shahdara District, Delhi in appeal no. 01/21 titled as '*Rahul Awasthi V/s. Kamla Devi and Ors.*';

(2) the report filed by the Local Commissioner dated 04.02.2025 in compliance of order dated 13.01.2025 and copy of order dated 13.01.2025 passed by the court of Ld. DJ-02, Shahdara District,

(3) copy of order dated 09.01.2025 passed by the court of Ld. ACJ-CCJ-ARC, East District.

He further submits that above documents are very necessary to put up on record for the proper adjudication of the case on behalf of defendant no. 1 and 2 and if the present application is not allowed then defendant no. 1 and 2 shall suffer irreparable loss and injury.

Reply to the above application filed by the plaintiff.

Ld. Counsel for the plaintiff submits that defendant no. 1 neither filed her WS nor filed any supporting affidavit with her WS before this court and defendant no. 1 in collusion with the tenants of the plaintiff create unnecessary delay in the speedy trial in the present case. He further submits that Sh. Virender Kumar Gupta filed an application u/o 1 rule 10 CPC alongwith the application u/o 26 rule 9 CPC and application u/o 7 rule 11, 11(d) r/w section 151 CPC which were dismissed by the court on merit and by way of the present application, the defendant no. 1 and 2 wants to file their documents by and on behalf of Virender Kumar Gupta which cannot be allowed.

During arguments, Ld. Counsel for defendant no. 1 and 2 submits that wrong submissions are made by the plaintiff in his reply and defendant no. 1 and 2 have filed their WS. Further, he is not pressing the second document i.e. LC report and now, he wants to bring the other 02 documents on record.

Case file perused.

Perusal of file shows that Sh. Virender Kumar Gupta had moved an application u/o 1 rule 10 CPC which was dismissed vide order dated 27.11.2024 whereby he was not impleaded as party in the present suit.

Vide the present application, defendant no. 1 and 2 wants to bring on record copy of order dated 04.04.2025 passed by the court of District Magistrate, Shahdara District, Delhi in appeal bearing no. 01/21 titled as '*Rahul Awasthi V/s. Kamla Devi and Ors.*'. This appeal was filed by the plaintiff against defendant no. 1 and it might contain some admission on behalf of plaintiff which can support the case of defendant no. 1 and 2 and therefore is an important document to arrive at just decision in this case, consequentially, **said document is taken on record.**

Next document is copy of order dated 09.01.2025 passed by the court of Ld. ACJ-CCJ-ARC, East District in eviction petition no. RC/ARC/1217/2016 titled as '*Kamla Devi V/s. Ram Dulari*'. The eviction petition was filed by defendant no. 1 against defendant no. 4 and the plaintiff was not a party to it. Therefore, any admission made in eviction petition will be self serving of the defendant and will of no purpose in deciding the present case, therefore, there is no requirement of taking it on the record.

With the above observations, the application u/o 8 rule 1A (3) CPC stands disposed off and **document i.e. copy of order dated 04.04.2025 passed by the court of District Magistrate, Shahdara District, Delhi in appeal bearing no. 01/21 titled as '*Rahul Awasthi V/s. Kamla Devi and Ors.*' is taken on record.**

Put up for framing of issues on **06.10.2026.**

(Vipin Kharb)
DJ – 03, Shahdara District,
Karkardooma Courts, Delhi
10.08.2026