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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 212/2023**

POONAM MALHOTRA Petitioner

Through: **Mr. Biraja Mahapatra, Advocate**

versus

VISHAL GOEL & ANR Respondent

Through: **None**

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **09.02.2023**

[The proceeding has been conducted through Hybrid mode]

CM APPL. 6318/2023 (Exemption)

1. This is an application seeking exemption from filing certified copies of the annexures.
2. Exemption is allowed, subject to all just exceptions.
3. However, the certified copies of the exempted documents may be filed within four weeks from today.
4. The application stands disposed of.

CM(M) 212/2023 & CM APPL. 6319/2023 (Stay)

5. The petitioner challenges the order dated 04.11.2022 in CS DJ 10133/2016 titled '**Vishal Goel vs. Poonam Malhotra**' whereby application the application under Order VIII Rule 1 A (3) of CPC, 1908 seeking to place on record certain documents was rejected.



6. Mr. Biraja Mahapatra, learned counsel for the petitioner submits that by way of the impugned order, learned Trial Court has dismissed the aforesaid application without considering the fact that the documents which were purported to be brought on record are of the period subsequent to the filing of the written statement and were subsequent facts, which could not have been placed alongwith the written statement.
7. Mr. Mahapatra, learned counsel also submits that the deprivation of filing of the documents relevant to the case of the petitioner/defendant would prejudice to the stand taken by her and are core to decide the controversy between the parties.
8. Issue notice. Upon petitioner taking steps within a week, notice may be served to the respondents through all permissible modes. Additionally, through learned counsel appearing for the respondents before the learned Trial Court.
9. Reply, if any, be filed within four weeks. Rejoinder thereto, if any, be filed within four weeks thereafter.
10. It is informed that another matter between the same parties is listed on 04.05.2023.
11. List the present petition alongwith CM(M) 158/2023 on 04.05.2023.
12. It is made clear that the petition would be taken and decided on the next date of hearing irrespective of whether the pleadings are completed or not.

TUSHAR RAO GEDELA, J

FEBRUARY 9, 2023

Aj