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

+ **CM(M) 2270/2024**

JOGINDER SINGH @ YOGINDER SINGH & ANR.

..... Petitioners

Through: Mr. Roopansh Purohit, Ms. Gultash
Guron and Mr. Lalit Kumar Singh,
Advs.

versus

JANGLI (SINCE DECEASED) THROUGH HIS LEGAL HEIRS &

ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

04.04.2024

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CM APPL. 20044/2024—Exp

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 2270/2024

3. The present petition under Article 227 of the Constitution of India has been filed impugning the order dated 03.01.2024 passed by the learned Civil Judge-03, West District, Tis Hazari Courts, New Delhi in CS SCJ No. 7051/16 titled as “Jangali vs. Hawa Singh & Ors. whereby the application moved on behalf of the respondent under Order VII Rule 14 CPC was allowed, however, application moved on behalf of the petitioner under Order



XIII Rule 4 & 6 was dismissed. The petitioners herein are the defendants before the learned Trial Court.

4. Learned counsel for the petitioner submits that the suit was filed by the petitioner on 01.12.2004 wherein seven documents were annexed, however, subsequently, now the respondents had moved an application under Order VII Rule 14 CPC to file 37 additional documents and that too without assigning the sufficient cause that the same could not be placed on record when the document was already in power and possession of the respondents.

5. Learned counsel submits that in the application, vague submissions have been raised, which were considered by the learned Trial Court. He further submits that said documents were served to the petitioners along with the copy of evidence affidavit and immediately, he had moved an application under Order XIII Rule 6 CPC for not granting any leave to the respondents to place the documents on record. He submits that the learned Trial Court has erroneously allowed the application of the respondents under Order VII Rule 14 CPC and dismissed the application of the petitioners under Order XIII Rule 4 & 6 CPC.

6. Issue notice.

7. On taking steps by the petitioners, let service be effected upon respondents through all permissible modes including via approved courier service, returnable on 22.07.2024.

CM APPL. 20043/2024—stay

8. The present application has been moved on behalf of the petitioners under Section 151 of the Code of Civil Procedure, 1908 seeking stay of the impugned order dated 03.01.2024.



9. Learned counsel for the petitioner submits that matter is listed for plaintiff's evidence on 22.05.2024 on which date the plaintiff will be exhibited the documents in his evidence which are being challenged by way of this petition before this Court.
10. It is submitted that in these circumstances, the proceedings before the learned Trial Court be stayed.
11. In view of the submission, the learned Trial Court to fix the next date after the date given by this Court.
12. Application stands disposed of.

SHALINDER KAUR, J.

APRIL 04, 2024/ss