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

+ **TEST.CAS. 58/2019**

VARUN KHULLAR

.....Petitioner

Through: **Mr. Rohit Nagpal and Mr. Swetabh
Kumar, Advocates**

versus

STATE AND ORS.

.....Respondents

Through: **Mr. Raghav Anand and Mr. Shubham
Kathuria, Advocates for R-3 & R-4**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 27.03.2025

I.A. 17803/2023 (Application under Order VIII Rule 1A CPC)

1. This is an application filed by Respondent Nos. 3 and 4 seeking to place on record copy of the passport of Respondent Nos. 3 and 4 bearing the immigration stamps of the IGI Airport, Delhi for the relevant period in 1994.
2. Learned counsel for the Applicants/Respondent Nos. 3 and 4 states that the Respondent Nos. 3 and 4 have already filed their evidence affidavit on 20.09.2023 and the copies of the passports have been annexed and marked therein.
 - 2.1. He states that the original of the passports will be produced at the time of the tendering of the evidence for the perusal of the Court and Petitioner.
 - 2.2. He states that necessity for filing these documents arose in view of the answers given by Petitioner during his cross examination; more specifically to question no. 2.



2.3. He states that Respondent Nos. 3 and 4 seek to place on record the passports to contend that they visited the India in April, 1994 and June, 1994.

3. In reply, learned counsel for the Petitioner states that filing of the documents at this belated stage has delayed in the trial as is evident from the fact that proceedings are standstill from the past two (2) years.

4. He further states that the assertion of the Respondent Nos. 3 and 4 that they visited India in April and June, 1994 does not militate against the stand of the Petitioner, that Respondent Nos. 3 and 4 were negligent in looking after the deceased testator.

5. He further states that in the event, the Court considers allowing the application costs may be imposed.

6. This Court has considered the submissions of the parties.

7. This Court would not like to express any opinion on the merits of the legal inference to be drawn from the documents which are sought to be placed on record, as it may prejudice the rights of either parties; however, this Court is satisfied that no prejudice could be caused to Petitioner if the said document is taken on record.

8. Accordingly, the Additional documents are directed to be taken on record, subject to proof by the Respondents in accordance with law.

9. The issue of relevance of the said document is kept open to be decided at the final trial.

10. This Court, however, finds merit in the submission of the Petitioner that there has been some delay on part of the Respondents in filing these documents. Respondents are directed to pay cost of Rs. 10,000/- to the Petitioner within one (1) week.



11. With the aforesaid directions, the application is allowed.

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12. Learned counsel for the Respondents states that Respondents undertake to cooperate in expeditious trial and will not seek any unnecessary adjournment.

13. The Respondents are directed to ensure that they take all necessary steps for obtaining permissions for ensuring that recording of Respondents evidence through video conferencing expeditiously.

14. List before Ld. Joint Registrar for fixing the dates for recording of evidence on **14.04.2025**.

MANMEET PRITAM SINGH ARORA, J

MARCH 27, 2025/rhc