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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 568/2021

MANISH RACHHOYA

.....Plaintiff

Through: Ms. Smita Maan & Mr. Vishal
Maan, Advs.

versus

KAMAL KANT RACHHOYA

.....Defendant

Through: Mr. Swastik Singh, & Mr. Atul
Singh & Mr. Himanshu Dagar,
Advs. (Mob.8800594915)

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

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06.09.2024

**IA No.38042/2024 under Section 151 CPC moved by
the plaintiff seeking permission to place on record hard
copy of the documents**

1. The captioned IA is opposed by learned counsel for the defendants on the ground that in the garb of captioned IA, the plaintiff is trying to place on record the documents i.e. Certified copy of Sale Deeds dated 26.02.2021 & 18.04.2022 without filing requisite application under Order VII Rule 14 of CPC. He, further, submits that copy of the said Sale Deeds were not filed earlier alongwith the pleadings but have been filed later on without seeking any permission from the court.

2. At this stage, learned counsel for the plaintiff submits that the defendant has filed an application under Order VII Rule 10 r/w Section 151 CPC bearing IA no.6039/2023, after filing of Joint Schedule of the documents. The plaintiff has filed response thereto and alongwith that response/reply, the plaintiff has filed the copy of the aforesaid two Sale Deeds. Further, in the application filed under Order VII Rule 10 CPC, the



defendant has raised issue of pecuniary jurisdiction of the court. Vide order dated 22.08.2023, the Hon'ble Court has framed the issue no.7 to the effect that *"7. Whether the suit has been properly valued for the purpose of Court Fee and jurisdiction? OPP"*

3. Learned counsel for the plaintiff submits that the onus of the proving the said issue is placed upon the plaintiff and that the Sale Deeds filed by the plaintiff have become relevant for proving the said issue by the plaintiff. So, he submits that the objection raised by counsel for the defendant is purely technical in nature and has been raised only to delay the disposal of the present matter. He further submits that he is ready to pay suitable cost imposed for taking the said documents on record. Learned counsel for the defendant has vehemently denied the submissions of learned counsel for the plaintiff and submits that this court lacks the jurisdiction to allow the plaintiff to bring the said Sale Deeds on record. He requests to place the matter before the Hon'ble Court.

It is stated by learned counsel for the defendant that he may be allowed to file reply to the captioned IA. However, learned counsel for the plaintiff points out that this is a small issue and the matter is coming up before the learned Local Commissioner on 17.09.2024.

4. At this stage, learned counsel for the defendant fairly submits that as his contentions have been recorded in the aforesaid order, he would directly argue the captioned IA before the Hon'ble Court without filing any reply.

At the joint request, place the captioned IA before the Hon'ble Court on 10.09.2024, for further directions.



IA No.38013/2024 under Section 151 CPC moved by plaintiff seeking early hearing in IA no.36201/2024

Learned counsel for the applicant submits that the captioned IA may be considered after decision of IA No.38042/2024. It is accordingly adjourned for the next date of hearing i.e. 10.09.2024.

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
SEPTEMBER 6, 2024/ab**

Click here to check corrigendum, if any