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

+ **CS(OS) 435/2020**

GHAZALA PARVEEN

.....Plaintiff

Through: Mr. M. Tarique Siddiqui with Mr.
Fajallu Rehman, Mr. Abhishek
Kumar Tanwar, Ms. Lakshmi &
Mohd. Bilal, Advs. for plaintiff
[also D-8(a)]

versus

SHAHNAZ PARVEEN & ORS.

.....Defendant

Through: Mr. I. Ahmad, Adv. for Mr. S.D.
Ansari, Adv. for D-1 to 7, 10 & 11
and D-13 [also D-8(b)] (through
VC).

None for D-9, 12, 14 & 15.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEVENDER
KUMAR GARG (DHJS)**

ORDER

01.03.2024

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Proceedings are being conducted through hybrid mode.

**I.A. No. 7656/2023 (by plaintiff u/O XI Rule 14 r/w Sec.
151 CPC ordering the defendants no.1, 3, 9, 13, 14 and
LRs of defendant no.8 to produce documents)**

1. By this order, I shall dispose off the captioned IA filed on behalf of the plaintiff u/O XI Rule 14 read with Section 151 CPC ordering the defendants no.1, 3, 9, 13, 14 and LRs of defendant no.8 to produce documents.
2. The captioned IA has been moved on behalf of the plaintiff *inter alia* stating that the plaintiff has filed the aforementioned suit for partition, rendition of account,



permanent & mandatory injunction and has sought directions against defendant no.1, 3, 9, 13, 14 and LRs of defendant no.8 to render the accounts in respect of income earned from the sale and rent of the suit property and to submit the sale-deeds and rent deeds of the suit property and utilization of money received from the sale and rent. It is further stated that the plaintiff is co-owner of the suit property. It is further mentioned that in January and February, 2018, Mohd. Fareed (husband of defendant no.1), defendants no.9, 13 & 14 decided to demolish the existing house and raise new construction upon the same with assurance that mother Smt.Saida Begum and sisters i.e. Farzana Begum and plaintiff would also be given their respective share. It is further averred that it is matter of record that the plaintiff was residing in part portion of the suit property till the existing construction was demolished. It is further averred that when the building (suit property) was yet not fully furnished, the defendants no.1-2, 9-12, 13 & 14-15 with malafide intention shifted the building and took possession of one floor each and also sold four shops through sham documents and also misappropriated the funds received from the said illegal and authorized sale and as such, legal notice dated 05.10.2020 was sent to defendants no.1, 3, 8, 9, 13 & 14 to hand over her share/portion in the suit property. It is further averred that the plaintiff sent notices dated 15.12.2022 u/O XI Rule 16 CPC to defendants no.1, 3, 9, 13 & 14 and LRs of defendant no.8 requiring them to produce documents as mentioned in para no.10 of the application, the said



notice dated 15.12.2022 were neither replied nor they supplied said documents in their possession / available in their records to the applicant/ plaintiff. It is further averred that the above mentioned documents are in possession or power of defendants no.1, 3, 9, 13 & 14 and LR of defendant no.8, are necessary and relevant to properly adjudicate the controversy among the parties.

3. Ld. Counsel for plaintiff has submitted that that he has filed the captioned IA for seeking directions against the defendants no.1, 3, 9, 13, 14 and LR of defendant no.8. He has further submitted that defendant no.13 is LR no.(b) of defendant no.8 and plaintiff herself is LR no.(a) of defendant no.8 in the present matter and therefore, he is seeking direction in the captioned IA only against one LR of defendant no.8 i.e. LR No.(b), who is already arrayed as defendant no.13 in the present matter.
4. No reply to the captioned IA has been filed on behalf of non-applicants despite many opportunities.
5. I have already heard arguments from Mr. M. Tarique Siddiqui, Ld. Counsels for applicant/plaintiff and Mr. S.D. Ansari, Ld. Counsel for defendants no.1 to 7, 10 & 11 and D-13 [also D-8(b)] and perused the material available on record carefully. Ld. Counsel for plaintiff has relied upon judgment titled as “Life Insurance Corporation of India vs. Shrishti Properties Pvt. Ltd.”, 2023 SCC OnLine Del 3497.
6. During the course of arguments, it was submitted by Ld. Counsel for defendants no.1 to 7, 10 & 11 and D-13 [also D-8(b)] that the said defendants had no information and documents available as sought by the plaintiff in the



captioned IA. He had also submitted that the above said defendants are ready to file their affidavit mentioning that neither they have information nor they are in possession of said documents.

7. No reply to the captioned IA has also been filed on behalf of remaining defendants including defendants no.9 and 14 despite giving sufficient opportunities and hence, averments mentioned in the application qua the above said defendants have remained unrebutted.
8. The relevant provision i.e. Rule 14 of Order XI of CPC reads as under: -

“14. Production of documents.—It shall be lawful for the Court, at any time during the pendency of any suit, to order the production by any party thereto, upon oath of such of the documents in his possession or power, relating to any matter in question in such suit, as the Court shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just.”

9. The averments made in the captioned IA have remained unrebutted. Keeping in view the nature of suit and averemnts made in the application, production of the documents as mentioned in para no.10 of the captioned IA is necessary for disposal of the present matter and hence, defendants no.9 & 14 are directed to produce on oath the documents as mentioned in para no.10 of the application, within four weeks from today.
10. Further, in view of submissions made by Ld. Counsel for defendants no.1 to 7, 10 & 11 and D-13 [also D-8(b)], the defendants no.1, 3 and defendant no.13 [also D-8(b)] are directed to file their affidavit as submitted by their Ld. Counsel in respect of documents as referred in para no.10 of the captioned IA, within four weeks from today.



11.Registry is directed to send copy of this order to defendants no.9 & 14 in person as well as through counsel, for compliance.

12.The captioned IA stands disposed off accordingly.

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13.Perusal of record shows that written statement alongwith affidavit of admission/denial of documents already filed on behalf of defendants no.1 to 7, 9 to 11, 13 and 14.

14.Replication alongwith affidavit of admission/denial qua defendants no.1 to 7, 9 to 11, 13 and 14 already filed by the plaintiff. However, no application for condonation of delay in filing the same has been filed by the plaintiff. Let appropriate steps be taken as per law.

15.Pleadings in respect of defendants no.1 to 7, 9 to 11, 13 and 14 qua the captioned IA are already complete.

16.No written statement, affidavit of admission/denial and reply to the captioned IA has been filed by defendant no.8(b) [already defendant no.13] and defendants no.12 and 15.

17.Let the pleadings in the suit be completed as per law.

18.Re-notify the matter for completion of pleadings and further proceedings on **06th May, 2024.**

**DEVENDER KUMAR GARG (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MACH 1, 2024/v

Click here to check corrigendum, if any