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

+ CS(OS) 456/2020, I.A. 12735/2020 (U.O. XXXIX R. 1 & 2),
I.A. 2608/2022(U.O. VIII R. 1A(3) r/w S. 151 CPC)

INDERJEET SINGH ALIAS INDERJEET SINGH

SABARWAL

..... Plaintiff

Through: Mr. Jai Sahai Endlaw, Mr.
Subhoday Bannerjee, Mr.
Karan Kumar, Advs.

versus

RASHMEEK BHASIN & ORS.

..... Defendants

Through: Mr. Dhruv Gandhi and Mr.
Deepam Rangwani, Advs. for
D-1 & 2.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

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08.02.2023

I.A. 2608/2022 (U.O. VIII R. 1A(3) r/w S. 151 CPC)

1. This application has been preferred with reference to the provisions made in Order VIII Rule 1A(3) of the Code of Civil Procedure, 1908 for taking additional documents on record. Although the application was initially opposed, Mr. Endlaw, learned counsel appearing for the plaintiff, on instructions submits that since the plaintiff is desirous of expediting the proceedings in the main suit itself, the prayers for the additional documents being placed on the record may be granted subject to the following additional submissions that were made.

2. Mr. Endlaw has taken the Court through the reliefs which are claimed in the suit itself, and more particularly, the relief of mandatory injunction requiring defendant Nos. 1 and 2 to return the original title and allotment documents pertaining to the immovable property bearing Nos. D-86, (Third Floor) Panchsheel Enclave, New Delhi and J-172 (plot) situated at Ajitgarh, Zirakpur, District Mohali,



Punjab. According to learned counsel, while the New Delhi property forms subject matter of the present suit, insofar as the property situate in Punjab is concerned, that falls outside its ambit and is undisputedly in the ownership of the plaintiff. Learned counsel has also submitted that in the written statement the title of the plaintiff over the Punjab property has also not been disputed. In view of the aforesaid, it was prayed that the Court may direct the defendant Nos. 1 and 2 to hand over the original title deeds pertaining to the property situate in the State of Punjab.

3. Learned counsel appearing for defendant Nos. 1 and 2 submits that it was never the intention of the said defendants to retain those documents and that they would have no objection to the same being handed over and placed in the custody of the plaintiff.

4. Accordingly, and subject to the defendant Nos. 1 and 2 handing over the original title deeds pertaining to property numbered as J-172 (plot) situated at Ajitgarh, Zirakpur, District Mohali, Punjab within a period of two weeks from today, the prayers made in the present application shall stand allowed.

5. The additional documents shall, consequently, form part of the suit record subject to all other rights and contentions of respective parties including the plaintiff.

CS(OS) 456/2020 and I.A. 12735/2020 (U.O. XXXIX R. 1 & 2 CPC)

6. Parties may exchange proposed issues and move an independent application for framing of issues so that the trial of the suit is expedited.

7. List before the Joint Registrar on 28.03.2023 for taking further proceedings on the suit.

YASHWANT VARMA, J.

FEBRUARY 8, 2023 / SU