



\$~14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 378/2013 & CM APPL. 9513/2020, CM APPL. 53152/2022, CM APPL. 53206/2022

PAWAN KUMAR Appellant
Through: Mr. Atulesh Kumar, Ms. Monika, Ms. Sushma, Advocates (M:9868551703)
versus

VEENA Respondent
Through: Mr. Sacchin Puri, Sr. Adv. Mr. Balbinder Ralhan, Ms. Shweta Arora, Ms. Nidhi Rana, Advocates
(M:9958252943,email:rananidhi116@gmail.com)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
% **09.02.2023**
[Physical Hearing/ Hybrid Hearing]

CM APPL. 53206/2022 (u/S 151 CPC for condonation of delay)

1. This is an application for condonation of delay in filing written submission on behalf of appellant under Section 151 CPC. It is submitted that there is a delay of 39 days in filing the written submissions.
2. Considering the submissions made in the application, delay is condoned and the written submissions are taken on record.
3. With the aforesaid observations, the present application is disposed of.



CM APPL. 53152/2022 (u/S 151 CPC for correction)

4. The present is an application under Section 151 CPC with prayer for correction of typographical error.

5. It is submitted that appellant had filed as application for production of additional evidence on 22.01.2020 being CM APPL. No. 9513/2020. However, in the said application some typographical errors have occurred. It is submitted that in the application in case of “portion of suit property in question i.e. Khasra No. 84/21 belongs to Gram Sabha”, it is written as “suit property in question i.e. Khasra No. 84/21 belongs to Gram Sabha”. It is submitted that the word ‘portion of’ has been left out inadvertently.

6. Ld. Senior Counsel appearing on behalf of the respondent submits that by way of the present application, the appellant is adding an interpretation that was not there earlier. He further submits that present objection may be kept open at the time of final hearing.

7. With the aforesaid observation, the present application is allowed and disposed of accordingly.

CM APPL. 9513/2020 (u/O 41, Rule 27 read with Section 151 CPC)

8. The present is an application for filing additional evidence. Ld. Counsel for appellant has filed copies of the Khasra Girdawari of village Palam of Khasra No. 84/21 of year 1988-1989 and translated copy of Khatoni of Village Palam, year 1973-1974 of the suit property in question. Other documents have also been filed. It is submitted that additional evidence is necessary for adjudication of the present case.



9. On the other hand, ld. Senior Counsel appearing for respondent has drawn the attention of this Court to paras 15 and 16 of the impugned judgment dated 10.05.2013. In the said judgment, there are categorical findings against the appellant herein with respect to fabrication of documents and forgery having been committed. It is submitted that appellant has not challenged the said part of the judgment and that finding of fact in the impugned judgment with respect to fabrication and forgery of documents by the appellant have attained finality. Thus, he submits that on this ground alone, the present appeal is liable to be dismissed.

10. In view of the submissions made before this Court, the present application shall be dealt at the time of final hearing of the matter.

11. List the present appeal for final hearing on 25.04.2023.

MINI PUSHKARNA, J

FEBRUARY 9, 2023/au