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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 264/2016

MR NARENDER KUMAR

..... Plaintiff

Through: Mr. Hemant Chaudhri & Mr.
Ranjan Vyas, Advs.

versus

MRS RAJ RANI MITTAL & ORS

..... Defendants

Through: Mr. Shalabh Gupta & Mr. Avanit
Arya, Advs. for D-1 to 3
Mr. Akhil Gupta, Adv. for LR
of D-4
Mr. Abhishek Maratha (Sr. SC)
with Mr. Apoorv Agarwal(JR
SC), Advs. for Income Tax
Mr. Rajeev Aggarwal, ASC with
Ms. Ankur Bhardwaj, Sub
Registrar III, Asaf Ali Road,
Delhi in person

CORAM:

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

ORDER

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13.05.2024

CS(OS) 264/2016

1. Status Report and Written Explanation dated 13.05.2024 have been filed by Sub Registrar-III, Asaf Ali Road, Delhi today. Copy of the same has been supplied to learned counsel for the plaintiff.
2. Learned counsel for the plaintiff has vehemently argued that despite repeated opportunities granted to Sub Registrar III, Asaf Ali Road, Delhi, the Sub Registrar III is intentionally not complying the orders passed by this court and not producing the summoned records in original deliberately. It is stated that taking note of aforesaid conduct of Sub Registrar-III, Asaf Ali Road, Delhi vide order dated 20.11.2023, this court directed the Sub Registrar III to appear personally to render explanation for



not producing the original summoned record. Thereafter, on 15.01.2024, Sub Registrar-III, Asaf Ali Road, Delhi was present in person but again original summoned record was not produced and time was sought for producing the same. He submits that even today Sub-Registrar III is present and again original summoned record is not produced today for which no plausible explanation is furnished by her. The Status Report filed by Sub-Registrar III today is cryptic and again status of originals in respect of documents mentioned at Sr. No.1&2 is cleverly not given in the said status report. The counsel for the plaintiff further submits that the application filed by the plaintiff for calling summoned records has been allowed in the year 2023 and due to repeated lapses on the part of Sub Registrar-III, Asaf Ali Road, Delhi, the plaintiff's case has not made any progress. He further submits that the conduct of the Sub Registrar-III, Asaf Ali Road, Delhi is totally contemptuous and the plaintiff is being harassed at the hands of the public authority by not producing the requisite summoned records despite repeated judicial orders passed by this court.

3. Heard and record perused. Status Report filed today is completely silent as to the status of Originals documents i.e. (a) RTI receipt dated 11.02.2013 issued to Mr. Narender Kumar and (b) RTI application dated 11.02.2023 filed by Mr. Narender Kumar.

At this stage, learned counsel for the Sub-Registrar III submits that the originals of said documents are not available. However, again it is not specified that whether the said documents were filed in original and if so, how



they have disappeared from the office of Sub-Registrar III, which is a public authority and when the documents in question are public documents. At this stage, learned counsel for the Sub-Registrar III submits that Sub-Registrar III may be given one more opportunity to file the Affidavit in respect of status of originals of the aforesaid two documents.

The previous conduct of Sub Registrar-III, Asaf Ali Road, Delhi disentitles her further indulgence of this court. However, solely, in the interest of justice and subject to imposition of cost of Rs.5,000/- to be deposited with Delhi High Court Legal Services Committee, the last and final opportunity is granted to Sub-Registrar III, Asaf Ali Road, Delhi to file Affidavit as to whether the aforesaid two documents were filed in Originals and if the same were filed in Originals then why the Originals are not traceable in the office of Sub Registrar-III, Asaf Ali Road, Delhi. It is clarified that in case proper Affidavit is not furnished by Sub Registrar-III, Asaf Ali Road, Delhi, I shall be constrained to call the concerned District Magistrate in person in the present matter as the repeated orders of the court have been ignored by the Sub Registrar-III, Asaf Ali Road, Delhi in a most casual manner.

4. As far as the document mentioned at Sr. No.4 in the status report is concerned, it is apprised by learned counsel for the plaintiff that the said document has already been proved on record by PW3.

5. The document at serial no.3 i.e. photocopy of RTI dated 11.02.2023 is placed on record alongwith Status Report filed today and Original of the same is seen and



returned.

6. Learned counsel for the plaintiff further submits that for the first time, it is stated by Sub-Registrar III in the Status Report that Re-sale Deeds/Cancellation Deeds both dated 19.02.1996 have been transferred to Archives Department, Govt. of NCT of Delhi. At the oral request of learned counsel for the plaintiff, the plaintiff is allowed to summon the said document(s) from Archives Department, Govt. of NCTD of Delhi on filing of PF. He is directed to give complete details of the relevant document (s) at the time of filing of PF.

7. In view of above, Ms. Ankur Bhardwaj (Mob.9654454022), Sub Registrar-III, Asaf Ali Road, Delhi present today is bound down to appear on the next date of hearing. The Show Cause Notice issued to Sub Registrar-III is kept pending for the next date of hearing.

Re-notify the matter for further PE on 02.09.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)

MAY 13, 2024/ab

[Click here to check corrigendum, if any](#)