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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2126/2013**
CHARANJEET KAUR KHURANA Plaintiff

Through: None

versus

S MANMOHAN SINGH OBEROI AND OTHERS Defendant
Through: None

CORAM:
SH. RAKESH PANDIT (DHJS), JOINT REGISTRAR
(JUDICIAL)

% **ORDER**
05.12.2018

To come up for orders today at 04:00 pm.

SH. RAKESH PANDIT (DHJS)
JOINT REGISTRAR (JUDICIAL)

DECEMBER 05, 2018/hk
Present: None at 04:00 pm

IA No. 12554/ /2018 (under Section 151 CPC by D-1)

1. By way of this order I shall dispose of the present application filed by defendant no.1. Defendant no .1 has sought for exemption from filing the original documents as mentioned in para-2 of the application. It is further stated that the documents mentioned in para-3 of the application are not in power and possession of defendant on.1 but are with India Bulls Housing Finance Limited on account of some loan and the same will be summoned



from India Bulls Housing Finance Limited.

2. In para- 4 and 6 of this application, the defendant no.1 has sought to place on record some additional documents and has also sought exemption from filing these originals on record.

3. The Defendant no.1 has relied upon judgment titled ***AKTIEBOLAGET Volvo & Ors. V. R.Venkatachalam & Anr., 160 (2009) DLT 100.***

4. The plaintiff has filed the reply and has taken various objections.

5. I have perused the record and the submissions forwarded by learned counsels for the parties.

6. From the perusal of the record it appears that admission / denial of documents has already been conducted as reflected from the order dated 15.02.2016. However, the issues have yet not been framed.

7. As far as the documents mentioned in para-2 are concerned, defendant no.1 is exempted from filing the originals but defendant no.1 is directed to produce the same at the time of tendering of evidence and as and when directed.

8. As far as the documents mentioned in para-3 are concerned, defendant no.1 is at liberty to call these documents to prove the same as per procedure



established by law /Indian Evidence Act.

9. As far as the documents mentioned in para-4 are concerned, they appear to be relevant documents as far as the case of defendant no.1 is concerned. These also appear to be the documents which are relevant to the issues. In these circumstances, the documents are allowed to be taken on record but subject to cost of Rs.15,000/- which shall be paid to the plaintiff through counsel. The defendant no.1 is directed to bring the same to the court for admission / denial along with copies at the time of admission / denial of documents and the court shall pass appropriate orders as to whether or not exemption from filing these documents be given. Accordingly, the application is partly allowed.

10. The matter be placed before the Hon'ble Court for further directions on the date fixed.

SH. RAKESH PANDIT (DHJS)
JOINT REGISTRAR (JUDICIAL)

DECEMBER 05, 2018
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