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

+ **CS(OS) 355/2018**

ANURADHA SEN MOOKERJEE

..... Plaintiff

Through

Ms.Kashiv Dutt, Mr.Rudra Dutt and
Mr.Akhil Tewatia, Advs. (Mob No.
8447357866)

versus

K.S. SAXENA & ANR.

..... Defendants

Through

Mr.Dhanesh Relan, Adv. for SDMC
with Ms.Ridhima Gupta, Adv. for D2.
Mr.P.B.A. Srinivasan with Mr.Parth
Tandon, Advs. for D1.

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. SURYA MALIK GROVER
(DHJS)**

ORDER

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08.03.2022

IA No. 1605/2021 (u/Order VII Rule 11 CPC moved by defendant no.1)

E-rejoinder filed by defendant no.1.

Accordingly, pleadings qua the IA stand completed.

List the IA before the Hon'ble Court on date already fixed
i.e., **18.04.2022** for further directions.

CS(OS) 355/2018

Learned counsel for defendant no.2 /SDMC submits that a letter was issued to defendant no.1 for rejection of regularisation, reference of which was made in the amended list of documents filed by defendant no.2 however, inadvertently said document was not filed along with the list. It has been prayed that the same may be permitted to be placed on record as



same is not a new/additional document as it was already mentioned in the list of documents, however was not filed due to inadvertent mistake.

Counsel for plaintiff as well as defendant no.1 have no objection if the document is allowed to be placed on record.

Even otherwise, it is a matter of record that the details of said document were mentioned at serial no.3 of amended list of documents and as such, the same were indicated to have been filed at the time of filing amended written statement, however, due to slip of mind, the document was not placed on record. Law is settled in this regard that procedural laws are handmaids of justice, to aid and advance justice, and not to hamper the same and no party can be prejudiced on account of an inadvertent error.

In the instant case, it is clear that due to inadvertent mistake of defendant no.2, as it failed to place the relevant document on record, despite mentioning the same in the amended list of documents, the same is not part of the judicial record. **In view of aforesaid, the document at “serial number 3 of the amended list of witnesses” is permitted to be placed on record. Let document be filed within a week positively. Copy be supplied to both the sides through email/speed post.**

List the matter for admission/denial and marking of exhibits on **09.05.2022 at 12.00 Noon in physical hearing.**

Main counsel/parties are directed to appear in person on that date for identification of documents. Both sides will bring their respective original documents on next date.

**SURYA MALIK GROVER (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MARCH 8, 2022/neelam