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

+ CS(OS) 1101/2015

SUBHASH SALUJA

..... Plaintiff

Through: Mr.D.V.Khatri, Advocate

versus

CHANDRA SHEKHAR & ORS

..... Defendants

Through: Mr.Arjun Dewan & Mr.Arjun
Mukherjee & Ms.Rhea Goyal,
Advocates for D-1 & 2.
Mr.Vinod Tyagi & Ms.Aditi
Tyagi, Advocates for D-3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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17.09.2019

I.A. 6585/2019 (under Order VII Rule 14 of the CPC for permission to file additional documents)

1. This is an application for filing of additional documents on behalf of the plaintiff.
2. The first document sought to be placed on record is a report of the Forensic Science Laboratory dated 11.08.2016. Learned counsel for the defendants admits that this document was not in the power and possession of the plaintiff at the time of filing of the list of documents. Consequently, the plaintiff is permitted to file the said document as an additional document.
3. The plaintiff also seeks to place on record the bank statements of the plaintiff's account bearing No.038-2000000003840 with Nainital Bank Limited, Lajpat Nagar Branch and account No.36985155935 with State Bank of India, Central Market, Lajpat Nagar for the years from

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2010-11 to 2015-16. The plaintiff further seeks to place on record bank statements of the bank account of his wife Smt. Geeta Saluja bearing No.038-2000000004553 with Nainital Bank Limited, Lajpat Nagar Branch, for the period from 2012-13 to 2015-16. It is stated that these documents were not filed along with the list of documents due to inadvertence/oversight and are required to establish the plaintiff's readiness and willingness to purchase the property in question.

4. Learned counsel for the defendants submit that the application is belated but consents to these documents being taken on record, subject to payment of costs by the plaintiff.

5. It is directed that the bank statements of the above mentioned accounts for the period mentioned therein may be filed as additional documents by the plaintiff, subject to payment of costs of ₹30,000/-, of which ₹10,000/- shall be paid to each of the defendants.

6. The application also refers to bank statements of the plaintiff's aunt Smt.Pushpa Bahl. Learned counsel for the plaintiff is unable to show any pleading or any reference in the affidavit of evidence filed by the plaintiff, to the funds being provided by his aunt. In the absence of such a case being made out, the said documents do not appear to be relevant.

7. Similarly, the plaintiff has sought permission to file a sale deed dated 28.12.2012 for another property purchased by him, and an agreement to sell dated 31.07.2010 in respect of a different property intended to be sold by him. It is stated that all these documents were inadvertently lost sight at the time the list of documents was filed. The relevance of these documents is disputed by learned counsel for the defendants.



8. In my view, a plea of mere inadvertence leading to exclusion of the documents in the list of documents cannot entitle the plaintiff to belated filing of voluminous documentary evidence. In any event, to the extent that the plaintiff wishes to show readiness and willingness to purchase the suit property, these unrelated property transactions are not required as the corresponding monetary transactions would be reflected in the bank statements, which have been permitted to be placed in evidence.

9. Consequently, the application is allowed to the extent that the report of the Forensic Science Laboratory dated 11.08.2016 and the bank account statements mentioned in paragraph 4 above may be filed as additional documents by the plaintiff.

10. I.A. No.6585/2019 is disposed of in the aforesaid terms.

I.A. 6584/2019 (under Order VI Rule 17 of the CPC to amend the list of witnesses)

1. This is an application for amendment of the list of witnesses in view of the additional documents sought to be filed by I.A.No.6585/2019. A list of 12 additional witnesses has been given in paragraph 4 of this application.

2. In view of the order passed today in I.A. No.6585/2019, the witnesses mentioned at serial Nos.13 to 16 and 23 are permitted to be added to the list of witnesses. The other witnesses were required to produce proof of documents which have not been allowed to be brought on record as additional documents. There is, therefore, no necessity to include them in the list of witnesses.

3. I.A. No.6584/2019 is disposed of in these terms.



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1. The plaintiff may file additional affidavit of evidence only in respect of documents which have been allowed to be brought on record by virtue of the order passed today in I.A. No.6585/2019. The affidavit of evidence of Smt.Geeta Saluja, wife of the plaintiff, may also be filed within four weeks.
2. Learned counsel for the plaintiff states that he will take steps for summoning of the other additional witnesses at the appropriate time. The matter be listed before the Joint Registrar on 18.11.2019 for fixing the date for cross examination of the plaintiff's witnesses.
3. List before Court on 11.02.2020.

PRATEEK JALAN, J

SEPTEMBER 17, 2019

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