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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 3644/2014

BHUMITRA JINDAL & ANR

..... Plaintiff

Through Mr. Pramod Dayal & Mr. Rohit K.
Singh, Adv.

versus

BRAHAM TEJ MITTAL & ANR

..... Defendant

Through Mr. Puneet Singh Bindra, Adv. for D-1
Mr. V. K. Gupta, Adv. for D-2

CORAM:

ASHUTOSH KUMAR (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% 28.11.2015

**I.A. No.20314/2015 under Section 151 CPC moved on behalf of
defendant no.2 for filing original documents**

In the application, it is mentioned that the CS(OS) 3644/2014 has been filed by the plaintiffs for partition and rendition of accounts of the properties left behind by late Sh. N. S. Mittal (father of all the parties to the suit).

In the application, prayer has been made for direction to non-applicant Sh. Vijay Kumar, 'Mamaji' (maternal uncle of the parties), to produce two documents i.e. the Will executed by deceased in June, 2008 and the family settlement dated 17.12.2011.

In the reply, non-applicant Sh. Vijay Kumar Gupta has submitted that he is ready to file the said original documents, in case direction is given by the Court.

However, learned counsel for plaintiffs, without filing any reply, has strongly opposed the application submitting that the 3rd party cannot be directed to produce the documents at this stage and has further submitted that defendants can summon the said Sh. Vijay Kumar Gupta alongwith

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aforesaid documents during evidence, as per law. He has further submitted that similar oral request has already been declined vide order dated 19.08.2015 by this Court.

Per contra, learned counsel for defendants has submitted that plaintiffs themselves have already filed the photocopy of the family settlement dated 17.12.2011 alongwith their pleading.

Learned counsel for plaintiffs has submitted that the said document was filed with a plea that the plaintiff no.1 was not a party or signatory to the said document.

Admittedly, the oral request for taking the aforesaid documents on record, has also been declined by this Court vide order dated 19.08.2015. Further admittedly, Sh. Vijay Kumar Gupta is not a party to the present suit and this Court is not inclined to direct him to produce the aforesaid documents on record at this stage. Also since plaintiffs are disputing the aforesaid documents, therefore, in case the defendants intend to rely upon the said documents, they can get the aforesaid Sh. Vijay Kumar Gupta summoned with the said documents, during evidence.

In view of aforesaid reasons, the application stands dismissed.

IA is accordingly disposed of.

CS(OS) 3644/2014

Admission/denial of documents of the plaintiff and that of defendant no.1&2 has been carried out by counsels for the parties.

Learned counsel for defendant no.1 has admitted four documents of plaintiffs, which are marked as Ex.P-1 to Ex.P-4 and learned counsel for defendant no.2 has admitted two documents of plaintiffs, which are already marked as Ex.P-1 & Ex.P-3 and has denied rest of the documents filed by

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plaintiffs.

Learned counsel for defendant no.2 has admitted all documents of defendant no.1, which are marked as Ex.D-6 to Ex.D-14 and learned counsel for defendant no.1 has admitted all the documents of defendant no.2, which are marked as Ex.D-1 to Ex.D-5.

On the other hand, learned counsel for plaintiffs has admitted five documents of defendant no.1, which are already marked as Ex.D-6 to Ex.D-10 and has denied rest of the documents filed by said defendant. Learned counsel for plaintiffs has denied all the documents filed by defendant no.2.

Learned counsel for defendant no.1 has submitted that one set of documents filed by said defendant vide diary no.452780 on 07.09.2015 are not on record and no information with respect to said documents that they are lying under objection, has been received. He undertakes to check up with the Registry and get the same placed on record.

Re-notify the matter for remaining admission/denial of documents, on 02.02.2016.

ASHUTOSH KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

NOVEMBER 28, 2015/ab