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

+ RC.REV. 407/2016 ad CM Nos. 30271-30272/2016

SWAROOP GANDHI

..... Petitioner

Through

Mr.Shiv Charan Garg & Mr.Imran
Khan, Advocates

versus

ACHIR GOEL

..... Respondent

Through

None.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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22.08.2016

1. By the present petition, the petitioner seeks to impugn the order dated 07.06.2016.
2. By the impugned order the trial court dismissed the application of the petitioner to bring on record an additional affidavit alongwith certain documents in support of the leave to defend application.
3. A perusal of the impugned order shows that the petitioner seeks to place on record documents to show that the respondent is running his own Private Limited Company. The petitioner seeks to file certified copies of balance sheets, which are sought to be placed on record by way of additional affidavit.
4. The learned counsel for the petitioner has relied upon the judgment of this court in the case of ***Punjab Stainless Steel House & Anr. v. Sangeeta Kedia, 2014 Legal Eagle (Del) 1212*** to contend that the additional affidavit be taken on record.

5. The petition is without any merit. The Supreme Court in the case of ***Prithipal Singh v. Satpal Singh, (2010) 2 SCC 15***, has clearly held that there is a statutory time period of 15 days for filing leave to defend application. The time limit is inflexible. Merely because the petitioner was not able to place the documents relating to past events, would not be a ground to condone the delay for the petitioner to place on record the additional affidavit along with the documents.

6. The judgment relied upon by the petitioner in the case of ***Punjab Stainless Steel House & Anr. v. Sangeeta Kedia*** (supra) dealt with a case where the facts sought to be placed on record arose on account of the events subsequent to the filing of leave to defend application. The said judgment would have no application to the present case.

7. The petition is without merit and is dismissed.

JAYANT NATH, J.

AUGUST 22, 2016/v