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

+ CM(M) 1178/2016 and CM Nos. 42622-24/2016

MANOJ GUPTA Petitioner
Through Mr. Vipin K. Saini, Advocate.

versus

MUNNA LAL SADH Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
08.12.2016

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1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to impugn the order dated 01.08.2015 by which his application under Order 7 Rule 14 CPC for filing additional documents was dismissed.
2. The respondent has filed the suit for specific performance of an alleged agreement to sell dated 18.08.2000. The case of the respondent is that he has entered into an agreement to sell with the petitioner and has paid the entire consideration of Rs.15 lacs for the suit property bearing No. 254, Masjid Moth, Delhi. Petitioner also executed General Power of Attorney, Will, Indemnity Bond, etc.
3. The petitioner in his defence has taken the plea that the transaction was not an agreement to sell but a loan and on the instructions of the respondent these documents were executed.

4. The suit was decreed. The petitioner has filed an RFA. The appellate court permitted the parties to lead additional evidence before the trial court and remanded the matter back to the trial court for leading additional evidence. The said RFA is still pending.

5. Now at this stage, the petitioner has sought to bring on record voluminous documents. It is the stand of the petitioner that some of the documents were initially executed and registered by the petitioner for the purpose of getting a loan from the respondent but the respondent did not accept the documents. Further the petitioner also submits that various loans have been taken from various other private financiers and the nature of the documents executed with such financiers is what he seeks to bring on record.

6. The trial court by the impugned order noted that the case is time bound as per the directions of the High court. The documents executed by the petitioner are mostly in favour of third parties or executed in favour of the petitioner by the third parties. The makers of these documents were stated to have no connection with the suit and hence, the trial court held that the documents are not relevant for decision of the issue involved in the present petition.

7. In my opinion, as the matter is now fixed for additional evidence, the introduction of these documents by the petitioner at this belated stage would normally be not permissible. These documents are also not stated by him or referred to by him in his written statement. There is no such averment made about a loan taken from the other private financiers who would execute these kind of documents stated in the written statement. At this belated stage, after passing of a decree and when the appellate court permitted to lead additional evidence, there are no grounds made out to permit the petitioner to start

filing additional documents.

8. The present petition is without merit and is dismissed.

9. All pending applications also stand dismissed.

JAYANT NATH, J

DECEMBER 08, 2016

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