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

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CM(M) 866/2015 & C.M. No.19888/2015 (stay)

VASUDEV VASWANI

..... Petitioner

Through Ms. Shobhana Takiar, Mr. Deepak  
Vaswani and Mr. Udyan Khandelwal,  
Advts.

versus

ANIL KUMAR UPPAL & ORS

..... Respondents

Through Mr. Vijay, Adv.

**CORAM:**

**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

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**19.01.2016**

The order impugned before this Court is the order dated 06.01.2015 as also the subsequent order dated 30.06.2015 which was an order seeking review of the order dated 06.01.2015. The review petition had been dismissed. Vide order dated 06.01.2015, the application filed by the plaintiff/petitioner under Section 151 of the CPC seeking permission to place on record certain documents had been declined.

Record shows that the present suit has been filed by the plaintiff seeking a declaration, permanent injunction, recovery of money and cancellation of certain documents. Contention of the plaintiff in the plaint is that defendant No. 3 who is a builder had illegally got certain blank documents signed from the father of the plaintiff and illegally usurped the property of the father of the plaintiff; he had filled in blank documents; this was a forgery committed by the defendant.

In the course of proceedings before the Trial Court, the present application had been filed under Section 151 of the CPC for placing on record certain documents details of which find mention in para 4 of the said application. The said documents read herein as under:-

- “i) Photocopy of blank agreement to sell in comparison to Ex DW-2/A, annexed as Annexure-I;*
- ii) Photocopy of blank receipt in comparison to receipt dated 19.01.1994 (exhibited DW-2/2 now de-exhibited), annexed as Annexure-II and*
- iii) Photocopy of blank possession certificate in comparison to Ex DW-2/3, annexed as Annexure III.”*

The Trial Judge had proceeded on a mis-premise; the Trial Judge was of the opinion that the photocopy of the agreement to sell (Ex.DW-2/1), photocopy of the receipt (Ex.DW-2/2) and photocopy of the possession letter (Ex.DW-2/3) are a part of the record and since these are photocopies which the plaintiff wants to place on record, the same cannot be permitted. The Trial Judge missed out the main submission of the plaintiff which was to the effect that by this application, he wanted to place on record photocopies of blank agreement which could be compared with Ex.DW-2/1, Ex.DW-2/2 and Ex.DW-2/3 which documents had allegedly been filled in by the defendant illegally. By this application, the plaintiff had sought permission to place on record the blank documents in order that a necessary comparison at the appropriate stage could be carried out. Thus, the Trial Court having missed out this submission that the blank documents were required to make a comparison of the admitted documents was an order which is illegal.

This order had then become the subject matter of review but noting the parameters of review, the Trial Court had dismissed the review petition by his subsequent order.

The impugned orders are liable to be set aside. Accordingly both the orders i.e. order dated 06.01.2015 and 30.06.2015 are set aside. The documents detailed in para 4 of the application of the plaintiff are taken on record. The Trial Court shall deal with them in accordance with law.

With these directions, petition disposed of.

**INDERMEET KAUR, J**

**JANUARY 19, 2016**

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