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

+ CM(M) 462/2017

SALAHUDDIN & ORS

..... Petitioners

Through: Mr.J.P.Sengh, Senior Advocate
instructed by Mr.Mayank Yadav and
Ms.Manish Mehta, Advocates.

versus

BHUSHAN KUMAR

..... Respondent

Through: Mr.Desh Raj and Mr.A.K.Ghosh,
Advocates.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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18.05.2017

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1. The petitioners have invoked the extraordinary jurisdiction of this Court under Article 227 of the Constitution of India praying for setting aside the order dated 30th November, 2016 whereby the learned Trial Court dismissed the application filed by the petitioners under Order VIII Rule 1A (3) of Code of Civil Procedure seeking permission to place on record certain documents.

2. The documents which the petitioners want to place on record are:-

(i) Copy of I-Card issued by Bureau of Civil Aviation Security in the name of respondent herein.

(ii) Copy of job-sheet dated 27th January, 2009 of the respondent.

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(iii) Copy of Authority letter issued by Election Commission of India in the name of respondent.

(iv) Copy of complaint dated 27th March, 2009.

3. The case of the petitioners is that the respondent herein is an imposter who used to introduce himself sometimes as Senior Officer of CBI, sometimes as Officer of Bureau of Civil Aviation Security and sometimes as Reporter of Zee News working in Election Duties. It is further the case of the petitioners that they are in possession of the photocopies of the I-Cards which were given by the respondent himself to influence the people living in the vicinity. On 27th March, 2009 the respondent trespassed into the house of petitioner No.2 alongwith 10-12 goons and the matter was reported to the police vide complaint dated 27th March, 2009.

4. Learned Senior Advocate for the petitioners submits that inadvertently the above documents were not filed earlier and it was only at the time when new counsel was engaged in the matter who inspected the record and came to know that above documents were not filed. Learned Senior Advocate further prays that an opportunity may be given to the petitioner to place and prove the above referred documents, which are forming part of record of Complaint Case No.370/1 (New No.621149/2016) titled as Salauddin vs. Bhushan Kumar & Ors. and case FIR No.57/2009, PS Jamia Nagar titled as State vs. Sageer Ahmad & Ors., to prove the fraudulent acts done by the respondent.

5. Learned counsel for the respondent submits that he has no objection if the prayer of the petitioners is allowed subject to cost and petitioners are allowed to place and prove the documents, referred to above, in accordance with law.

6. Learned Senior Advocate for the petitioners submits that he will obtain the certified copies of the above said four documents and place the same on record in Civil Suit No.7322/2016.

7. In view of the submissions made on behalf of the petitioners and no-objection given by learned counsel for the respondent, the petition is allowed to the extent that the petitioners are permitted to place and prove the above referred four documents in accordance with law, subject to payment of cost of Rs.50,000/- to be paid to the respondent on the next date of hearing fixed before the learned Trial Court.

8. Petition stands allowed in above terms.

9. It is made clear that if cost is not paid by the petitioners to the respondent on the next date of hearing fixed before the learned Trial Court, this petition shall stand dismissed.

10. A copy of this order be sent to the concerned Trial Court for information and compliance.

11. As prayed, copy of the order be given dasti to learned counsel for the parties.

CM No.15739/2017

Dismissed as infructuous.

PRATIBHA RANI, J.

MAY 18, 2017

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