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

+ CM(M) 561/2016

M/S KLA CONSTRUCTION TECHNOLOGIES
PVT LTD

..... Petitioner

Through Mr.Kartikey Mathur, Mr.Sanket
Gupta and Mr.K.K.Shukla, Advocates

versus

M/S INTIME PROMOTERS (P) LTD Respondent

Through Ms.Piyusha Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

13.02.2017

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1. By the present petition under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 24.11.2015 by which the Plaintiff's Evidence was closed and order dated 15.3.2016 by which an application filed by the petitioner to recall order dated 24.11.2015 and also to place on record an important document was dismissed. The only ground on which the present petition is filed is that it is claimed by the petitioners that recently they came across a document dated 25.8.2009 which is signed by Shri Manoj Garg, AGM, TDI Mall, representative of the respondent company which is vital and material to the petitioner. It is urged that had the said document not come to the petitioner the petitioner would not have moved the preset application for recalling order dated 24.11.2015.

2. I have heard learned counsel for the parties. Learned counsel for the

petitioner has reiterated that this document is of vital importance and he may be permitted to place the same on record and lead evidence to prove the same on record.

3. A perusal of the application filed by the petitioner under section 151 CPC would show that there are no details forthcoming as to what exactly the document is. Further, a perusal of the plaint would show that there is no averment about facts which are sought to be corroborated by producing the said document dated 25.8.2009. At this stage, after plaintiff's evidence has been closed the respondent would not be in a position to explain the said document. Hence, there are no grounds to permit the petitioner to place on record the said document.

4. At this stage learned counsel for the petitioner submits that in the interest of justice he may be permitted to at least complete the evidence of Shri Vineet Kumar Rai.

5. In the interest of justice, subject to payment of costs of Rs.10,000/-, the petitioner is permitted to complete the evidence of his last witness Shri Vineet Kumar Rai. The petitioner shall not take any adjournment on the date the matter is fixed by the trial court for evidence of Shri Vineet Kumar Rai.

6. Petition stands disposed of. All pending applications, if any, also stand disposed of accordingly

JAYANT NATH, J

FEBRUARY 13, 2017/n