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

+ **CM(M) 819/2017**

SARITA DEVI

..... Petitioner

Through: Mr. Ankit Khatri, Adv.

Versus

NDPL & ORS

..... Respondents

Through: Mr. Abhay Kumar, Mr. Saurabh Mishra, Mr. Himanshu & Mr. Amit Kumar Singh, Advs. for R-1.

Ms. Kanika Shrivastava, Adv. for DJB.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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04.08.2017

CM Nos.27461-62/2017 (both for exemptions)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

CM(M) 819/2017

3. This petition under Article 227 of the Constitution of India impugns the order [dated 6th June, 2017 in Civil Suit No.637/2013 (New No.534739/2016) of the Court of Civil Judge (North), Rohini Courts, Delhi] allowing the application of the respondent / defendant no.3 Girja Devi for filing additional documents at the stage of evidence of the said respondent / defendant no.3.
4. The petitioner / plaintiff, along with the petition, has neither filed the pleadings in the suit nor the issues framed nor the order sheet to show as to how the proceedings in the suit have taken place and how many

opportunities have been availed of by the respondent / defendant no.3 Girja Devi. Without the same, the challenge of the nature made cannot be understood.

5. Upon the counsel for the petitioner being asked, he states that this petition was filed in a hurry and the suit was listed before the Trial Court yesterday when adjournment was sought.

6. This petition against the order dated 6th June, 2017 has been filed only on 28th July, 2017 for the first time and it is not understandable what was the hurry which prevented the petitioner from filing the documents.

7. The counsel for the petitioner / plaintiff states that “he has filed the impugned order.”

8. The impugned order is against the petitioner and records everything against the petitioner and if the petitioner contends that the impugned order is not correct and not in accordance with law, without the petitioner / plaintiff placing the relevant record, the challenge cannot be understood.

9. The learned Civil Judge in the impugned order has reasoned that though the application was filed under Order XIII Rule 2 of the CPC which stands deleted but the nomenclature was not relevant; that it was the case of the respondent / defendant no.3 that the documents were handed over to the advocate but remained to be filed; that it is owing to this reason only that though in the affidavit filed by way of examination-in-chief mention was made of the said documents in an attempt to prove the same but when the documents were not found on the record, the need to file the application was felt.

10. It appears that the counsel for the petitioner has himself also not perused the trial Court record before drafting this petition.

11. From a perusal of the order, no error requiring interference under Article 227 of the Constitution of India is made out.

12. Even otherwise, such half baked petitions do not deserve any consideration.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

AUGUST 04, 2017

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