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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 1137/2018, CM APPL.38639-38640/2018

MYSTIC MONK DESINGNS PVT LTD

..... Petitioner

Through Mr.M.L.Sharma, Ms.Shirani Kher,
Advocates.

versus

ANITA BHALLA

..... Respondent

Through Mr.Ashish Bhagat, Mr.Akhil Suri,
Mr.Ritik Malik, Advocates.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **22.11.2018**

1. This petition challenges the order dated 06.08.2018 passed by this Court in Civil suit No.58580/2016 titled as '*Mystic Monk Designs Pvt. Ltd Vs. Anita Bhalla*'.

2. By this impugned order dated 06.08.2018 the petitioner is denied the opportunity to file three documents shown at serial no. 7,8,9 of the list of documents filed by the petitioner in compliance of the order dated 24.09.2018.

3. The brief facts as alleged are the petitioner filed a suit for recovery against the defendant land lady. The land lady filed a counter claim, registered as a separate suit. However due to increase in pecuniary jurisdiction, the said suit and counter claim were transferred to the District Courts. The plaintiff's evidence in his suit was closed in the year 2015 and whereas on 28.02.2018 the defendant's evidence

was closed. The said suit of the plaintiff was dismissed vide judgment dated 06.08.2018.

4. Since in the counter claim too the evidence of the defendant was closed, the defendant filed an application to set aside such closure and, it was allowed. The plaintiff herein though have filed various documents but intend to file three more documents as stated in S.No.7,8,9 above.

5. A bare perusal of documents at S.No.7,8,9 of the list above, only the document at S.No.9 seems to be relevant which pertain to details of the stock.

6. It is submitted by the learned counsel for the petitioner such stock was seized as per the order dated 22.12.2015 which order directed *as regards the fixtures and fittings the inventory shall be prepared by a Local Commissioner and the same shall remain in the shop.*

7. Vide order dated 26.09.2013 the defendant was permitted to sell the goods lying in the suit premises, the inventory of which goods was prepared by the Local Commissioner, so that the premises could be used by the defendant.

8. It is submitted by the learned counsel for the respondent such goods could not be sold and are still lying in the premises, hence the learned counsel for the petitioner intends to prove through the stock register, the value of such goods, so can claim a set of against the counter claim of the respondent /landlady, hence the document at S.No.9 is allowed to be taken on record.

9. Regarding the documents at S.No.7, 8 of the list filed in

compliance of the order dated 24.09.2018 since do not relate to the respondent, cannot be allowed to be brought on record at this stage.

10. Regarding the plea the cross examination has started and none of the documents be allowed to be taken on record, the learned counsel for the petitioner has referred to *Kapil Kumar Sharma vs. Lalit Kumar Sharma and Another* (2013) 14 SCC 612 to support his case.

11. In view of the submission so made the petition stands allowed only to the limited extent above.

12. No order as to costs.

YOGESH KHANNA, J

NOVEMBER 22, 2018

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