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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 1504/2018 & CM APPL.51453/2018

RAJESH SINGHAL

..... Petitioner

Through: Mr. Sunil Dutt Dixit, Advocate.

versus

SHIV PRAKASH BANSAL

..... Respondent

Through

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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04.02.2019

CM APPL. 51452/2018 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CM(M) 1504/2018 & CM APPL.51453/2018

Vide the present petition, the petitioner has assailed the impugned order dated 06.09.2018 of the learned Trial Court of the Court of ADJ-04(NW), Rohini Courts, Delhi in CS No.579174/16 vide which an application under Order VIII Rule 1A of the CPC filed on behalf of the petitioner herein arrayed as defendant to the said suit, was declined. The suit is indicated vide the impugned order to be one for recovery of Rs.21,60,000/- only.

It has been submitted on behalf of the petitioner i.e. the defendant to the said suit that there was a conversation between the parties which was not available and that conversation relates to the

year 2014 and that it relates to a telephonic conversation in a phone which phone instrument had earlier not been traced out and thus the phone recording and the CD could not be placed on record.

In reply to a specific Court query, learned counsel for the petitioner has submitted that the said submission in relation to the conversation having been recorded between the petitioner herein and the respondent i.e. the defendant and the plaintiff to the said suit was not averred in the written statement. Apparently, there can be no evidence led beyond the pleadings. There is thus, no infirmity in the impugned order dated 06.09.2018 of the learned Trial Court.

The petition and the accompanying application CM APPL.51453/2018 are declined.

ANU MALHOTRA, J

FEBRUARY 04, 2019/NC