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

% Judgment delivered on: 27.04.2023

+ CM(M) 678/2023

SITA RAM

..... Petitioner

versus

KULDEEP SINGH

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Medhanshu Tripathi and Mr. N. Mishra, Advocates.

For the Respondent : Mr. Sandeep Vishnu, Advocate.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APP No. 21010/2023 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 678/2023 & CM APP No. 21011/2023 (for stay)

3. Petitioner challenges the order date 10.03.2023 in CS SCJ 77/2017 titled as "*Kuldeep Singh vs. Sita Ram*" whereby the learned Trial Court has dismissed the application under Order VIII Rule 1A of

the CPC, 1908 with cost of Rs. 1,000/-, filed on behalf of petitioner/defendant seeking to place on record certain documents.

4. Mr. Tripathi, learned counsel appearing for the petitioner/defendant submits that the suit is at pre-trial stage, in that, even the issues have not been framed and, therefore, ordinarily any document being sought to be filed by the parties, are liberally allowed and taken on record.

5. Learned counsel also submits, that apart, the documents which were sought to be placed on record, that is, the copy of the order dated 05.05.2022, status report dated 05.05.2022 and copy of the FIR No. 184/2022 dated 08.05.2022 under Section 365 of the Indian Penal Code, registered by the Police Station Safdarjung Enclave, were sought to be placed on record for a very vital reason.

6. According to Mr. Tripathi, the reason for seeking permission to place aforesaid documents on record was that the said status report had recorded that the complainant in that particular FIR, who happened to be the relative of one Ms. Sheila, who was the neighbor of the petitioner and also, admittedly, the tenant of the respondent herein, had categorically stated that the lady, Ms. Sheila, was paying to the respondent herein rent at the rate of Rs. 600/-, in respect of the property which is similarly situated and the petitioner seeks to take support of such contents of the aforesaid documents.

7. According to Mr. Tripathi, learned counsel the said documents become relevant since the contention of the present petitioner is also that the petitioner was paying the rent @ Rs. 600/- per month and not Rs. 3,600/- per month as falsely claimed by the respondent/ landlord.

8. Learned counsel submits that it is on that basis that the aforesaid documents are being sought to be placed on record. He also asserts that the said documents would also support his contention that the respondent is not the landlord of the said property.

9. Mr. Sandeep Vishnu, learned counsel appears on advance notice for the respondent and refutes the submissions made by learned counsel for the petitioner.

10. Mr. Sandeep Vishnu, learned counsel submits that these documents have no relevance, even remotely, to the contentions raised by the petitioner in his written statement and even otherwise, the Court need not look into documents which are irrelevant to the *lis* which is pending before the learned Trial Court.

11. This Court has considered the submissions of learned counsel appearing for the parties and also considered the documents, which were sought to be placed on record.

12. At the outset, it is trite law that the documents may be placed on record by the parties provided the same are relevant to the issues or have any remote connection to the pleadings as laid before the Civil Court.

13. In the present case, this Court has carefully scrutinized the written statement as filed by the petitioner before the learned Trial Court and has observed that there is no reference to any of the aforesaid documents or the events occurring therein. In fact there is no reference to the lady Ms. Sheila, at all in the said written statement.

14. The para 4 of the preliminary objections of the written statement, which was referred to by Mr. Tripathi also has no remote connection either to Ms. Sheila or to the documents which are being sought to be

filed on record. Just to understand the submission on that aspect by Mr. Tripathi, it would be appropriate to extract para 4 of the written statement as under :

“4. The subject property comes under Khasra No. 40 (i.e property No. 7) however the mother of the Plaintiff is owner of Khasra No. 41 (i.e property No. 8) and on the said land she has constructed more than 24 flats. It is submitted that neither the Plaintiff is landlord nor mother of the Plaintiff is owner of subject property. Therefore present suit is liable to be dismissed.”

15. On a close scrutiny of the contents, it is clear that the same has no connection or nexus or even a remote connection to the documents which are being sought to be placed on record by the petitioner.

16. In view of the above, this Court is of the considered opinion that the said documents have rightly been rejected by the learned Trial Court from being taken on record. However, having said that, this Court is of the opinion that the petitioner/ defendant cannot be precluded from making use of these documents during trial in accordance with the manner known to law.

17. With the aforesaid observation, the present petition along with pending application is dismissed with no order as to costs.

18. The costs, which have been imposed in the impugned order are set aside.

TUSHAR RAO GEDELA, J.

APRIL 27, 2023

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