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

% Judgment delivered on: 23.05.2023

+ CM(M) 880/2023

SH. RAJENDER PRASAD

..... Petitioner

versus

SMT. IQBAL KAUR

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Raghav Kapoor, Advocate.

For the Respondent : None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 27695/2023 (for exemption)

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

CM(M) 880/2023 & CM APPL. 27696/2023 (for stay)

3. Petitioner challenges the order dated 31.01.2023 in CS DJ 752/2017 titled as "*Iqbal Kaur vs. Rajender Prasad*" whereby the learned Trial Court had allowed two application filed by the respondent/



plaintiff one under Order XVI Rule 1 of the CPC and the other under Order XIII Rule 1 of the CPC, 1908.

4. Learned counsel appearing for the petitioner/ defendant submits that primarily he is concerned with the documents which have been permitted to be filed on record by virtue of the application under Order XIII Rule 1 of the CPC.

5. Learned counsel submits that the suit itself had been pending from the year 2014 and it is only that at this belated stage without any reasonable explanation or sufficient cause, the respondent/ plaintiff and application under Order XIII Rule 1 CPC, has sought to file and place on record, the documents which were already in possession and in custody of the respondent/ plaintiff.

6. Learned counsel submits that after a delay of 8 years and 6 months, the said documents are sought to be filed which is impermissible in law.

7. Learned counsel has taken this Court to the application and particularly, the paragraph where the respondent/ plaintiff had sought the permission to place the documents on namely, para 6 at page No. 135 of the present petition.

8. Learned counsel by referring to the aforesaid, submits that despite the fact that in the application, they have referred only to 5 documents, the respondent/ plaintiff, by subversive method, in the list of documents has enclosed three documents over and above the documents, of which permission was sought.

9. Learned counsel vehemently opposes placing on record the



documents other than those which were permitted to be taken on record.

10. Learned counsel even otherwise submit that the plea of the respondent/ plaintiff in the application is that Mr. Mehtab Singh and Ms. Dayawanti had never signed in Hindi and on that basis, they submit that the said documents are forged and fabricated. However, learned counsel also submits that the said documents obviously show the said two persons signing not in English, as per the ration card of Mr. Mehtab Singh, who purportedly signed in Hindi and Ms. Dayawanti purportedly signed in Punjabi language in the photocopy of the ration card.

11. Learned counsel on that basis submits that it is a self-destructive plea that they have been taking.

12. This Court has considered the submissions of the learned counsel as also perused the impugned order and all the documents Mr. Kapoor has taken through.

13. So far as the contentions regarding the delay in filing the documents is concerned, the learned Trial Court has categorically considered the reasons in the impugned order, which are as under :

“11. So far as the application u/o XIII Rule 1 of the CPC is concerned, it has to be seen that the plaintiff wants to prove the copy of the ration card, copy of the application addressed to the Postmaster, Sarai Rohilla Post Office, copy of the Savings Bank Account of Sh. Mehtab Singh with United Bank of India, a copy of the ration card of deceased Sh. Mehtab Singh besides two indemnity bonds. It has to be seen that except the two indemnity bonds, all other documents belong to the Government Departments only. It is true that there is a delay in filing the present application as the same has been filed only at a stage when the matter is fixed for PE but at the same time, it has to be seen that all the documents except the two indemnity bonds are the documents issued by the Government Departments and the delay is not that of two decades as is there in the case law relied upon by the ld. counsel for the defendant”



14. After having appreciating the arguments of the learned counsel as also seen the reasoning given by the learned Trial Court in para 11 referred above, this Court is of the considered opinion that so far as the three documents over and above the ones which have been specified in the application under Order XIII Rule 1 of the CPC filed on behalf of the respondent/ plaintiff is concerned, the same shall not be taken on record.

15. So far as the other documents are concerned, this court finds that the reasoning given by the learned Trial Court is in accordance with law and, therefore, finds no reason for interfering with the impugned order.

16. In view of the aforesaid directions, the petition along with pending applications is dismissed with no order as to costs.

TUSHAR RAO GEDELA, J.

MAY 23, 2023/nd

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