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

Date of decision: 06.09.2023

+ CM(M) 1451/2023 & CM APPLs. 46256/2023, 46257/2023
GURCHARAN ARORA Petitioner
Through: Mr. Ansh Singh Luthra with Mr.
Harmanpreet Singh, Advocates.
versus

M/S RICHMOND LEISURE AND HOTELS
PVT LTD & ORS. Respondent
Through: None.

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 46256/2023 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application is disposed of.

CM(M) 1451/2023 & CM APPL. 46257/2023

1. This petition filed under Article 227 of the Constitution of India impugns the order dated 03.08.2023 passed by the District Judge, Patiala House Courts, Delhi in CS(COMM) No. 703/2018 titled as “**Gurcharan Arora & Anr. v. M/s Richmond Leisure & Hotels Pvt. Ltd.**” whereby, the Trial Court dismissed the Petitioner’s application under Order 18 Rule 17 of the Code of Civil Procedure, 1908 (‘CPC’).
2. None appears on behalf of the Respondent despite advance service.
3. After some arguments, the learned counsel for the Petitioner states that he is limiting the relief in the present petition to place on record the case



history of the complaint cases filed by the Mall Management/landlords against the Respondent under Section 138 of Negotiable Instruments Act, 1881 as downloaded from the official website of the concerned District Courts. He states that the said case history will be filed along with an appropriate affidavit under Section 65B of the Indian Evidence Act, 1872 ('Evidence Act') of the Petitioner. He relies upon the cross examination of defendant witness DW-1 on 08.05.2023 that it is an admitted fact that filling of the complaints is an admitted fact.

4. This Court has considered the submission of the Petitioner. The Petitioner is granted liberty to file before the Trial Court the case history of the Section 138 of Negotiable Instruments Act complaint cases filed by the Mall Management/landlords against the Respondents as downloaded from the official website of the concerned District Courts along with an affidavit of the Petitioner filed under Section 65B of the Evidence Act within a period of ten (10) days. Since the documents have been downloaded from the official website of the concerned Court, the Trial Court is requested to consider the same while hearing the final arguments.

5. In case the Respondent disputes the contents of the case history filed by the Petitioner, the Respondents are at liberty to place on record the documents evidencing the contradiction within ten (10) days thereafter only to this limited extent; so long as the said documents forms part of the judicial record of the Court hearing the complaint cases.

6. With the aforesaid directions, the present petition is disposed of. Pending applications stand disposed of.

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 06, 2023/msh/asb

[Click here to check corrigendum, if any](#)