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

% ***Date of decision: 13th August, 2024***

+ CM(M) 445/2021

ANIL GUPTA SINCE DECEASED THROUGH HIS LRS

.....Petitioner

Through: Mr. Vibhor Tyagi, Advocate.

versus

MRS.SAROJ AND OTHERS

.....Respondent

Through: Ms. Indra, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioners herein are the legal representatives of defendant No. 3.
2. During the pendency of the suit in question, certain documents were executed between the parties and the legal heirs of defendant No.3 sought permission of the learned Trial Court to place on record the above documents.
3. The learned Trial Court has refused to take those documents on record as the settlement had happened outside the Court without any specific court order and was of the view that the alleged settlement between the parties had not affected the merits of the present case.
4. I have seen the application moved under Order XIII Rule 2 read with Section 151 CPC and the prayer made in the abovesaid application is limited to the effect that they may be permitted to place on record said documents for fair decision of the case.



5. Learned counsel for respondent states that she has no objection if such documents are permitted to be taken on record. However, according to her, such application was not only filed at the belated stage but also under the wrong provision of law.
6. Learned counsel for petitioner states that his intention was never to delay the matter and he only wanted to place on record the settlement which has taken place between the parties.
7. He also states that if in terms of any settlement, the defendants are required to file any claim or suit in substantive capacity, they would always explore the aforesaid possibility.
8. Fact remains that the execution of the aforesaid documents is not under dispute. It has also been supplemented by the learned counsel for respondent that after the execution of the said documents and after receiving sum of Rs. 8,80,000/-, the same was returned to Shri. Anil Gupta, the original defendant No.3 and she would have no objection if the petitioner herein is permitted to place on record the above documents. According to her, irrespective of such documents, the suit can still continue.
9. Learned counsel for petitioner also states that he would have no objection if this Court only permits him to place on record the above documents and nothing beyond at this stage.
10. Keeping in mind the abovesaid submissions made by learned counsel for parties, the present petition is disposed of with direction that the documents which the defendant No.3 wanted to place on record by moving application under order XIII Rule 2 would be assumed to be taken on record in terms of Section 151 CPC.
11. It is clarified that this Court has not expressed any opinion,



whatsoever, with respect to the contents and nature of the documents and this Court has merely permitted the documents to be placed on record and not about the effect of these documents.

12. The present petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 13, 2024/ss