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

% ***Date of decision: 21st August, 2024***

+ **CM(M) 3194/2024 & CM APPL. 47767-47768/2024**

MRS. NIRMAL PAHWA AND ORS.

.....Petitioner

Through: **Mr. Rohit Oberoi with Mr. Pramajeet Bhati, Advocates.**

versus

MR. SARDAR GURSHARAN SINGH CHAWLA (DECEASED THROUGH LRS) AND ORS

.....Respondent

Through: **Mr. Pawanjit Singh Bindra, Sr. Advocate with Mr. Lakshay Dhamija and Mr. Sagar Rawat, Advocates.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defendant before the learned Trial Court and is aggrieved by order dated 06.08.2024 whereby the application moved by his adversary i.e. plaintiff under Order VII Rule 14 CPC has been allowed and the documents referred in the paragraph No. 4 of the application (wrongly mentioned as paragraph No. 2 of the application in the impugned order) have been permitted to be placed on record.
2. Admittedly, it is a suit for recovery of possession, arrears of rent, mesne profits and damages.
3. After completion of pleadings, the issues were framed and one of the



issue was whether the plaintiff is entitled to the relief of recovery of money along with the damages and cost as prayed for in the plaint.

4. The above said application was moved by the plaintiff for placing on record the copies of the lease deed with respect to the properties situated in the neighbourhood in order to demonstrate as to what kind of rent these property could fetch.

5. The plaintiff contended that these documents could not be placed earlier as some of the documents were not even in existence when the suit was filed.

6. According to the plaintiff, the case is still at the stage of plaintiffs' evidence. Moreover, the original plaintiff also expired during the pendency of the matter. After the substitution of LR's of the plaintiff, the case has to proceed further recording of evidence of such LR's of plaintiff.

7. Admittedly, the cross-examination of plaintiff has yet not begun.

8. Undoubtedly, it would have been appropriate if during the initial stage of the proceedings, some of these documents had been placed on record but facts remains that since, the present suit also seeks damages and mesne profit, it cannot be said that the documents for which the permission had been sought were not necessary to arrive at a just and fair decision of the case.

9. Moreover the defendants have been compensated for the delayed action on the part of the plaintiff.

10. Since in terms of Order VII Rule 14 (3) of CPC, the plaintiff sought leave of learned Trial Court and the leave has been granted on the basis that these documents seem important in context of the just and fair adjudication of the present suit. I do not find any reason to interfere in the impugned order.



11. This Court is very much conscious of the fact that the present petition has been filed under Article 227 of the Constitution of India whereby the Court is required to exercise its supervisory powers. The duty of the supervisory Court is to interdict if it finds that the findings are perverse i.e. (i) Erroneous on account of non-consideration of material evidence, or (ii) Being conclusions which are contrary to the evidence, or (iii) Based on inferences that are impermissible in law. Reference be made to *Puri Investments Versus Young Friends and Co. and Others*: 2022 SCC OnLine SC 283.

12. Keeping in mind the overall facts and circumstances of the case, the nature of the suit and the issues involved, this Court does not deem it fit and proper to exercise its supervisory powers in the present peculiar factual matrix.

13. Petition is, accordingly, dismissed.

(MANOJ JAIN)
JUDGE

AUGUST 21, 2024/sw