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

+ C.R.P. 247/2024 & CM APPLs. 49085/2024, 49087/2024

JODH SINGH & ANR.

.....Petitioners

Through: Mr. Sahil Mongia, Ms. Sanjana
Samor & Mr. Yash Yadav,
Advocates.

versus

NIKKI KAUR

.....Respondent

Through: Ms. Counsel (appearance not given).

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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28.11.2024

1. The present Revision Petition under *Section 115 of the Code of Civil Procedure, 1908* (hereinafter referred to as "CPC, 1908") read with *Article 227 of the Constitution of India* has been filed on behalf of the Petitioners/Defendants against the Order dated 29.02.2024 *vide* which the Application under *Order VIII Rule 1(A)(3) of CPC, 1908* filed on behalf of the Petitioners/Defendants seeking to file the additional documents on record, has been dismissed by the learned Additional District Judge.
2. It is submitted that the **Suit for Recovery and Damages** has been filed on behalf of the Respondent/Plaintiff against the Petitioners/Defendants.
3. The Written Statement was filed in the year 2018 and the matter was at the stage of Petitioners/Defendants' evidence.
4. The Application under *Order VIII Rule 1(A)(3) of CPC, 1908* was filed on behalf of the Petitioners/Defendants for placing the following documents record: -

- (i) Passport copy of Nikki Kaur showing DoB 19.05.1988 and



address of Rajasthan and prepared after the marriage with Karnail Singh and sent to USA for Visa Application,

(ii) PAN Card copy of Nikki Kaur showing DoB 19.05.1988 and prepared before the marriage with Karnail Singh and sent to USA for Visa Application,

(iii) Domicile copy of Nikki Kaur showing address of Rajasthan and sent to USA for Visa application,

(iv) School leaving certificate of Nikki Kaur and sent to USA for Visa Application,

(v) Letter of intent for fiancée Visa given by Nikki Kaur for Visa process,

(vi) Business owner proof of Karnail Singh – UBI,

(vii) Visa documents initiated by Karnail Singh,

(viii) Nikki Kaur Visa rejection document,

(ix) CD with Video dated 27.07.2017 admitting in the video that they have not broken the locks of the first floor,

(x) CD with Video dated 28.07.2017 admitting that they have broken the locks now,

(xi) IO investigation report holding that Nikki Kaur never lived in Janakpuri as per the investigations done from neighbours,

(xii) Divorce Decree of Karnail Singh from previous marriage,

(xiii) Western Union transfer transactions to show Karnail Singh was consistently sending money to Nikki Kaur.

5. The aforesaid documents have been sought to place on record to prove the defence of the Petitioners/Defendants.

6. The Application under *Order VIII Rule 1(A)(3) of CPC, 1908* filed on



behalf of the Petitioners/Defendants seeking to file the aforesaid additional documents on record has been dismissed by the learned Additional District Judge by observing that the Application was not maintainable.

7. The opportunity has been given to the Counsel for the Respondent/Plaintiff to address the arguments.

8. **Submission heard.**

9. The Suit for Recovery and Damages had been filed way back in 2018 on behalf of the Respondent/Plaintiff. The Petitioners/Defendants have explained that the aforesaid documents were handed over to the previous Counsel, but the same mistakenly got mixed up in the documents of some other client. Consequently, the same could not be placed on record on earlier date.

10. The case is at the stage of the evidence of Petitioners/Defendants.

11. Considering the nature of the aforesaid documents and the grounds as well as reasons stated in the present Revision Petition, the Petition is allowed and the impugned Order dated 29.02.2024 is hereby set aside.

12. The Petitioners/Defendants are permitted to place the aforesaid documents on record to be proved by them in accordance with law.

13. An endeavour be made by the learned Additional District Judge to conclude the trial expeditiously.

14. Accordingly, the Revision Petition along with pending Applications is hereby disposed of in the above terms.

NEENA BANSAL KRISHNA, J

NOVEMBER 28, 2024

S.Sharma