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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of decision: 05th September, 2024***
+ **CM(M) 3336/2024 & CM APPL. 51511-51512/2024**
DILEEP SINGH

.....Petitioner
Through: Mr. Udayan Jain with Mr. Amit
Sherawat, Mr. Ranjan Mishra and Mr.
Raj Surana, Advocates.

versus

GIRIJA DEVI

.....Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
JUDGMENT (oral)

1. Petitioner is defending a civil suit before the learned District Judge.
2. The case was at the stage of final arguments when an application was moved by the defendant under Order VIII Rule 1 and Order XVIII Rule 4 read with Section 151 CPC seeking permission to place on record certain documents with consequential relief of bringing additional evidence to prove such documents.
3. This Court has gone through the contents of the above said application as well as the order impugned before this Court.
4. Admittedly, the case is already at the stage of final arguments.



5. The suit was instituted in the year 2016 and the defendants had closed their evidence in March, 2023 and, thereafter, the case is running for final arguments.

6. Even a bare glimpse of the contents of the application moved before the learned Trial Court would indicate that the defendants had not been able to elucidate as to why these documents were not brought on record at any earlier stage.

7. It is not a case where these documents were not in possession or knowledge of the defendant. It seems that it is only when the case was being prepared for the purposes of addressing final arguments, it came thought that these documents were very necessary to reach at a just and fair decision of the case and it was in the above said background that the aforesaid application had been moved. However, this Court cannot be oblivious of the fact that the case is at the stage of final arguments and this Court would not come to rescue of a litigant who himself is guilty of laches and inaction.

8. There is no reason, much less a plausible one, which may indicate as to what prevented the defendant from placing on record these documents at the earliest available opportunity.

9. Viewed thus, I do not find any reason to interfere with the impugned order by invoking powers under Article 227 of Constitution of India which needs to be exercised only when there is glaring and exceptional perversity. 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*.

10. The petition stands dismissed.

(MANOJ JAIN)
JUDGE

SEPTEMBER 5, 2024/sw