



2024:DHC:7434



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 24th September, 2024***

+ CM(M) 3462/2024 & CM APPL. 56067/2024 & CM APPL. 56284/2024

PANKAJ KUMARPetitioner

Through: Mr. Aditya Gaur and Mr. Equebal Nasir, Advocates.

versus

RITA BANERJEERespondent

Through: Mrs. Mohini Narain with Mr. Rajan Narain, Advocates.

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+ CM(M) 3464/2024 & CM APPL. 56125/2024 & CM APPL. 56283/2024

PANKAJ KUMARPetitioner

Through: Mr. Aditya Gaur and Mr. Equebal Nasir, Advocates.

versus

RITA BANERJEERespondent

Through: Mrs. Mohini Narain with Mr. Rajan Narain, Advocates.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner is defending a recovery suit for possession, mesne profits and damages.
2. The case is at the stage of defendant's evidence already.
3. During the trial, the defendant (petitioner herein) had moved an application under Order XI Rule 14 CPC.



4. According to petitioner/tenant, there was a *Memorandum of Understanding* between the parties which was signed and executed by both of them on 06.11.2017 and pursuant to such MOU, the defendant/tenant had agreed to purchase the suit property against total sale consideration of Rs. 22,00,000/- and that out of the above said amount, a sum of Rs. 15,00,000/- was also paid to the respondent/plaintiff.
5. According to defendant/tenant, the original signed document i.e. said MOU was kept by the plaintiff and he was merely, given a photocopy.
6. As per the case of the respondent/plaintiff, there was never any such execution of any MOU and the aforesaid document is forged and fabricated. Moreover, there is no proof of alleged payment.
7. It was in the above said backdrop that the petitioner had moved the above said application seeking production of the original MOU.
8. Since the execution of the MOU had been specifically denied and since it had rather been labeled as forged and fabricated document, the learned Trial Court dismissed the above said application on 14.02.2024.
9. By virtue of another order dated 07.08.2024, the petitioner i.e. defendant prayed to place on record some more additional documents i.e. report of handwriting expert, the copy of the notice issued by him under Order XII Rule 8 CPC as well as copy of one plaint which has been filed by the petitioner herein very recently.
10. Such application was also dismissed.



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11. This is how the above said two orders have been challenged in the present petitions.
12. Learned counsel for respondent/plaintiff appears on advance notice.
13. After hearing the arguments for some time, learned counsel for petitioner states that without prejudice to his rights and contentions, he does not press his petitions but seeks direction only with respect to placing on record a copy of notice dated 28.07.2024 which he had served upon the other side under Order XII Rule 8 CPC.
14. A copy of such legal notice was also placed before the learned Trial Court.
15. Keeping in mind the overall facts and circumstances of the case and in view of the above said statement made by the learned counsel for petitioner, both the petitions are hereby disposed of as not pressed. However, at the same time, the petitioner is permitted to place on record the copy of the legal notice issued by him to the respondent herein under Order XII Rule 8 CPC.
16. Both the petitions stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 24, 2024/sw