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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3787/2024**

AKHILENDRA NATHPetitioner

Through: Mr. Nazim U. Ahmad and Ms. Afsar
Bano, Advs.

versus

NARENDER KUMAR MEHRA

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER
18.11.2024

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CM APPL. 65335/2024 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 3787/2024 & CM APPL. 65334/2024 STAY

1. The petitioner is the defendant in the suit for possession, recovery of arrears of rent and mesne profits/damages filed by the plaintiff.
2. Learned counsel for the petitioner submits that the plaintiff had filed certain documents without following the procedure as provided under Order VII Rule 14 CPC. However, the said documents were taken on record by the learned trial court.
3. Order VII Rule 14 CPC provides that where a plaintiff sues on the basis of a document or relies upon a document in his possession in support



of the claim, he shall enter such document in a list and shall produce the same in court at the time of presentation of the plaint. Sub Rule 3 of Order VII Rule 14 further provides that when such a document is not produced by the plaintiff, the same shall not without the leave of the Court be received as evidence on his behalf on the hearing of the suit.

4. Admittedly, in this case, no application was filed for taking on record the documents involved and the documents were filed on record without leave of the Court.

5. The petitioner filed an application under Section 151 CPC praying that additional documents filed pendent lite without taking leave of the Court may not be taken on record, but the said application was dismissed by the learned District Judge vide impugned order dated 04.09.2024.

6. The rules of procedure are handmaids of justice and they should not come in the way of administration of substantive justice. Even though the documents were not filed with the plaint and no leave was obtained, it is apparent from the impugned order that they were filed at an initial stage of the case and in any case prior to the settlement of the issues. The court should not close its doors to the filing of any document which is material and essential for the proper adjudication of the case only because of procedural technicalities.

7. The learned counsel for the petitioner does not dispute that the documents are material documents and have bearing on the proper adjudication of the case.

8. The learned Trial court has rightly observed that the document would be subject to rigors of admissibility and relevancy during the trial and the petitioner would have every opportunity to controvert them.



9. The impugned order does not suffer from any illegality or impropriety and therefore does not call for any interference.
10. Petition is dismissed.

RAVINDER DUDEJA, J

NOVEMBER 18, 2024/ib