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

+ **CM(M) 187/2025**

KALA MAHAL

.....Petitioner

Through: Mr. Siddhant Rai Sethi, Mr. Bharat
Malhotra, Mr. Vijaini Sharma and
Mr. Kustubh Singh, Advs.

versus

**THE IFFCO TOKIO GENERAL INSURANCE COMPANY
LIMITED**

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **30.01.2025**

CM APPL. 5839/2025 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 187/2025 & CM APPL. 5838/2025 (Stay)

1. This is a petition under Article 227 of the Constitution of India read with Section 151 of the CPC, 1908, seeking direction from the Court to set aside the order dated 17.12.2024 passed by the learned District Judge-05, South-East District, Saket Courts, Delhi.
2. By virtue of impugned order dated 17.12.2024, the learned District Judge allowed the application filed by the respondent under order VIII Rule 1(A) for taking on record the documents.
3. Petitioner availed an insurance policy for its commercial vehicle. The vehicle was stolen during the currency of the insurance policy. Unable to get



the insurance claim, the petitioner filed a suit for recovery against the respondent.

4. The record reveals that petitioner has already led its evidence and thereafter, respondent filed an application seeking to place on record the following documents.

- “i). Attested computer generated insurance policy alongwith of Tenna and conditions of Insurance Policy in question issued to the plaintiff.
- ii). Copy of Motor Claim Form submitted by the plaintiff.
- iii). Investigation report alongwith with DL and statement of Driver of plaintiff.”

5. The Trial Court allowed the application of the petitioner, subject to cost of Rs.10,000/-.

6. The learned counsel for petitioner submits that respondent cannot be permitted to file the additional documents after closure of the evidence of the petitioner.

7. It is submitted that petitioner had to incur expenses of fees of the Local Commissioner for the purpose of recording the evidence and leading rebuttal evidence would result in additional financial burden on the petitioner.

8. It is further submitted that respondent has failed to furnish any justification for having failed to file the documents at the appropriate stage, despite the fact that they were in its power and possession.

9. It is also submitted that by placing on record the aforesaid documents, the respondent, in fact, wants to fill in the lacuna left in the case.

10. The Trial Court order took note of the submission of the respondent that the aforesaid documents could not be placed on record inadvertently, even though, they are duly mentioned in the preliminary objections in the



written statement.

11. The documents being relied upon are, therefore, not beyond the scope of the pleadings.

12. The Trial Court has noted that the documents are essential to decide the controversy in hand effectively.

13. No doubt, the documents have been sought to be filed at a belated stage but it is a trite law that the rules of procedure should not come in the way of substantive justice.

14. The Court should not close its doors to the documentary evidence which are relevant for the proper adjudication of the case. For the delay caused, the Trial Court has already imposed a cost of Rs.10,000/- upon the respondent.

15. The Trial Court has also taken care of the interest of the petitioner by already granting an opportunity to the petitioner to lead evidence in rebuttal, if the petitioner so desires, upon completion of the defendant's evidence.

16. The Trial Court order does not suffer from any illegality or perversity.

17. The Court, therefore, finds no merit in the present petition.

18. The petition is accordingly dismissed with direction that the rebuttal evidence of petitioner, be recorded in court, so that petitioner is not made to bear the additional burden of fee of Local Commissioner.

RAVINDER DUDEJA, J

JANUARY 30, 2025/sky/f