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

% *Date of Decision: 17th February 2025*

+ CM(M) 316/2025

LOKESH SHARMA

.....Petitioner

Through: Mr. Aayush Agarwala and Mr.
Prakash Jha, Advocates with
petitioner in person.

versus

DHIRENDER SHARMA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

J U D G M E N T (O R A L)

RAVINDER DUDEJA, J.

CM APPL. 9329/2025 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CM(M) 316/2025 & CM APPL. 9328/2025 (stay)

1. Petitioner seeks to challenge the order dated 10.01.2025 passed by the learned District Judge in CS No. 211/23 titled "DHIRENDER SHARMA VS LOKESH SHARMA", whereby the petitioner's application to file additional documents was dismissed.



2. Petitioner is the defendant in the suit for recovery filed by the respondent herein.

3. Petitioner filed an application under Order VIII Rule 1A(3) readwith Section 151 CPC for seeking permission to file additional documents.

4. By virtue of said application, petitioner sought to place on record the following documents:-

- A. Whatsapp chat between the plaintiff and defendant.
- B. November, December 2022 bank statement of the defendant and the wife of the defendant namely Smt. Neelam Sharma.
- C. Photocopies of bills of 1 A.C., 1 Battery, 2 R.O. Filter.
- D. Photographs of Mahagun Modern Tower Varona, Noida dated 13.11.2022.
- E. Order of Supreme Court.
- F. Affidavit under Section 65B of Indian Evidence Act.

5. Vide impugned order, the learned District Judge dismissed the application observing that there is no whisper in the entire application as to what prevented the petitioner to file the documents at an earlier stage.

6. The relevant para of the order is extracted below:-

“As far as the legal position is concerned, there is no dispute that with the leave of the Court, documents may be filed by the defendant under Order VIII Rule IA (3) CPC at later stage if the same have not been filed along with the written statement. Leave of the Court has to be granted judiciously if sufficient cause is being explained for not filing the documents at appropriate stage In the entire application of the defendant, there is no whisper that what prevented the defendant to file the documents at earlier stages in accordance with law. It is not in dispute that documents in question



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were already, in possession of the defendant at the time of filing of the written statement. In these circumstances. I do not find any merit in the application. Accordingly, the same is dismissed.”

7. Under Order VIII Rule 1A(3) readwith Section 151 CPC, a defendant is required to produce the documents upon which they rely at the time of filing of the written statement.

8. However, if the defendant fails to file the documents at that stage, he may seek permission to file them at a later stage.

9. The Court has the discretion to allow the filing of the documents at a belated stage if sufficient cause is shown.

10. The defendant must provide a valid reason for the delay and demonstrate that it was not due to negligence or deliberate suppression.

11. I have carefully gone through the application filed under Order VIII Rule 1A(3) (Annexure P6).

12. It is not disputed that the documents sought to be filed were already in possession of the petitioner even at the time of the filing of the written statement.

13. The application is completely silent as to why the petitioner did not file the said documents at an earlier stage despite being in power and possession of the same.

14. The learned counsel of petitioner submits that the aforesaid documents were provided by the petitioner to his advocate at a much earlier stage but due to oversight, the advocate failed to file these documents earlier.

15. It is submitted that the rules of procedure are handmaid of



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justice and should not hamper the pursuit of justice.

16. It is argued that the impugned order deprives the petitioner of the opportunities to present the Court with significant merits of his case.

17. The submissions made today before this Court do not find any mention in the application filed before the Trial Court.

18. The submission made that the documents were handed-over by the petitioner to the counsel or due to oversight they were not filed earlier, seems to be an after-thought.

19. The application has been filed by the petitioner at the fag end of the case, so much so, the defendant's evidence already stands closed.

20. The petitioner has failed to explain any cause much less significant cause for not filing the documents at an earlier stage.

21. I, therefore, do not find any merit in the present petition

22. The petition is accordingly dismissed.

RAVINDER DUDEJA, J.

February 14, 2025

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