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

% ***Date of Decision: 26th March, 2025***

+ **CM(M) 561/2025 & CM APPL. 17506-17508/2025**

PAWAN KUMAR RASTOGI & ANR.Petitioners

Through: Mr. Mayank Rustagi, Advocate.

versus

MANJU RASTOGI THROUGH GPARespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioners are defending a suit for mandatory injunction.
2. During course of the proceedings, they filed an application seeking amendment in written statement. Such application was taken up by learned Trial Court on 13.02.2025 and certain clarifications were also provided to learned Trial Court by learned counsel for both the sides.
3. Such application is yet to be disposed of by learned Trial Court and the matter is now fixed for tomorrow for further consideration on such application.
4. The grievance raised by petitioners/defendants is limited to the effect that out of nowhere, the plaintiff sought time to place on record certified copy of sale deed of a property as well as certain Notifications.
5. Learned counsel for petitioners submits that these documents are not relevant for the purpose of disposal of his application moved under Order VI Rule 17 CPC. He submits that if plaintiff is desirous of placing on record



any additional document, the Court, though can permit any such request but it has to be strictly as per the relevant statutory provision i.e. Order VII Rule 14 CPC.

6. None appears on behalf of respondent/plaintiff despite advance notice.

7. The present petition is disposed of with direction to learned Trial Court to consider any such request seeking to place on record any additional document, strictly in terms of provisions contained in CPC, and not otherwise.

8. It is pointed out by learned counsel for defendants (petitioners herein) that though plaintiff has filed an application under Order XII Rule 6 CPC, such application cannot be considered, without first deciding the abovesaid application moved by defendant under Order VI Rule 17 CPC. Needless to say, even such aspect shall be considered by learned Trial Court, appropriately.

9. The present petition, along with pending applications, stands disposed of in aforesaid terms.

10. Copy of the order be given dasti under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

MARCH 26, 2025
st/SS