



2025:DHC:10290



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

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Date of Decision: 21.11.2025+ **CM(M) 2251/2025, CM APPL. 73092/2025, 73094/2025 & 73093/2025**

MR RAJENDER KUMAR SHARMA

.....Petitioner

Through: Mr. Sachin Chopra and Ms. Astha Gupta, Advocates

versus

SHREE BHAIRON JI MANDIR SAMITI REGD & ORS.

.....Respondents

Through: None

CORAM: JUSTICE GIRISH KATHPALIA**ORDER (ORAL)**

1. Petitioner has assailed order dated 07.07.2025 of the learned trial court, whereby application under Order VII Rule 14(3) CPC of the present respondent no. 1 (*plaintiff of the suit*) was allowed and the additional documents enlisted in paragraph 7 of the impugned order were taken on record.
2. Having heard learned counsel for petitioner (*the newly impleaded defendant no. 3*), I do not find it a fit case to even issue notice.
3. The subject additional documents were taken on record by way of the impugned order, describing the relevance thereof to the dispute as well as the reason explaining the delay in filing those additional documents.

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4. Learned counsel for petitioner contends that the impugned order is not sustainable in the eyes of law because the subject additional documents are not relevant for the effective adjudication of the suit, insofar as the same only reflect that the premises and the temple in question were in occupation of the plaintiff/respondent no.1. That, according to learned counsel for petitioner is not the issue in the suit. Learned counsel for petitioner submits that by inserting the additional documents, the nature of the suit would get altered, so the said documents cannot be taken on record. As regards the subject documents having not been filed with the plaint, the learned trial court accepted the explanation that the need to file those documents arose only after the petitioner got impleaded under Order I Rule 10 CPC as defendant no.3 in the subject suit and filed documents.

5. The core issue being the relevance of the subject documents, it would be apposite to extract the prayer clause of the plaint, which is in tune with the contents of the plaint and the same is as follows:

"i) pass a decree of declaration in favour of the plaintiff and against the defendants, thereby declaring that the plaintiff is the sole manager and occupant in possession of the plaintiff Samiti i.e. Siri Bharon Ji Mandir Samiti (regd.) at PIV-265, Vinay Marg, Nehru Park, Chanakya Puri, New Delhi.

ii) Pass a decree of permanent injunction in favour of the plaintiff and against the defendants, thereby restraining the defendants from interfering, in the management and occupation of the plaintiff samiti, in any manner without due process of law and in the interest of justice.

iii) The cost of the proceeding may also be awarded in favour of the plaintiff and against the defendant;

iv) Any other order/s which this Hon'ble court may deem fit and

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proper under the facts and circumstances of the case may also be passed in favour of the plaintiff and against the defendants.”

6. The petitioner was impleaded in the suit at a later stage as defendant no. 3 on the basis of his allegation that the property, where the temple in question is situated, belongs to his ancestors since the year 1925 and that right continues till date. The subject additional documents would show that the premises and the temple in question since the year 1880 were in occupation of the ancestors of one Pandit Manssa Ram, who founded the plaintiff Samiti in the year 1978 and got the same registered in the year 1979. I am in agreement with the view taken by the learned trial court that the subject additional documents would certainly throw light on the matter in issue and the same are relevant for effective adjudication of the subject suit, provided those documents are proved in accordance with law.

7. As rightly observed by the learned trial court, till the stage of impleadment of the petitioner as defendant no. 3 in the subject suit, there was no occasion for respondent no.1/plaintiff to file those documents, because there was no claim contrary to the claim of the plaintiff in that regard. It is only when the petitioner/defendant no. 3 got impleaded on the basis of a number of documents dealing with the above described issue that the need arose for respondent no. 1/plaintiff to seek permission to file additional documents

8. In view of the aforesaid, I am unable to find any infirmity, much less perversity that would call for interference under Article 227 of the Constitution of India.

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9. Therefore, the impugned order is upheld and the present petition as well as the accompanying applications are dismissed.

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(JUDGE)**

NOVEMBER 21, 2025/as