



2025:DHC:10535



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

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Date of Decision: 27.11.2025

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CM(M) 2293/2025, CM APPL. 74343/2025 & CM APPL. 74342/2025

KANCHAN SAINI & ANR.

.....Petitioners

Through: Ms. Shaini Bhardwaj, Mr. Aditya Sharma, Mr. Vedic Thukral, Ms. Rukhsar and Mr. Avichal Mishra, Advocates

versus

SHIV KUMAR

.....Respondent

Through: None.

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

1. Petitioners/defendants have assailed order dated 19.08.2025 of the learned trial court, whereby application of respondent/plaintiff under Order VII Rule 14 CPC was allowed, permitting the respondent/plaintiff to place on record the conveyance deed dated 27.09.2023 (*registered on 11.10.2023*), authorization slip, registration fees receipt dated 08.10.2023 and municipal tax receipt dated 06.10.2023. Having heard learned counsel for petitioners, I do not find it a fit case to even issue notice.

2. Broadly speaking, the learned trial court in the impugned order took a view that the subject documents were not in existence at the time of filing of

CM(M) 2293/2025

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written statement or framing of issues. Further, learned trial court also took a view that it is the question put to the respondent/plaintiff in cross-examination that led to the necessity to file the subject documents.

3. Learned counsel for petitioners/defendants contends that the impugned order is not sustainable in the eyes of law because the subject documents were not filed immediately after the same came into existence in September-October, 2023 and the respondent/plaintiff, instead, waited till November, 2024. Learned counsel for petitioners/defendants also contends that there is no explanation as to why the subject documents were not filed earlier.

4. The admitted position is that prior to September-October, 2023, the subject documents were not in existence. It is also admitted that the suit was filed much earlier on 28.09.2021 and the issues were framed on 20.10.2022. It is also the admitted position that testimony of respondent/plaintiff is continuing till date.

5. It would be also significant to note that in the cross-examination of respondent/plaintiff, a question was put as follows:

“I put it to you that you have not placed any document in order to show your ownership because you are not the owner of the property.”

In response, the respondent/plaintiff answered as follows:

“It is correct. Vol. I have all the documents in order to prove my ownership in the suit property.”

It is in the backdrop of such question and answer that the application under Order VII Rule 14 CPC was necessitated. The cross-examination is not what



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to ask, but what not to ask. Whether or not the documents were on record was a matter of record only. It is the petitioners/defendants only who created a situation whereby the respondent/plaintiff felt necessity to move the application under Order VII Rule 14 CPC. Since the respondent/plaintiff had categorically answered in response to the above question that he is in possession of all documents to prove his ownership over the subject property, had he not sought opportunity to place the same on record, he would have been liable to adverse inference.

6. In view of the aforesaid, I find no infirmity in the impugned order, so the same is upheld. The petition and the accompanying applications are dismissed.

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**GIRISH KATHPALIA
(JUDGE)**

NOVEMBER 27, 2025

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