



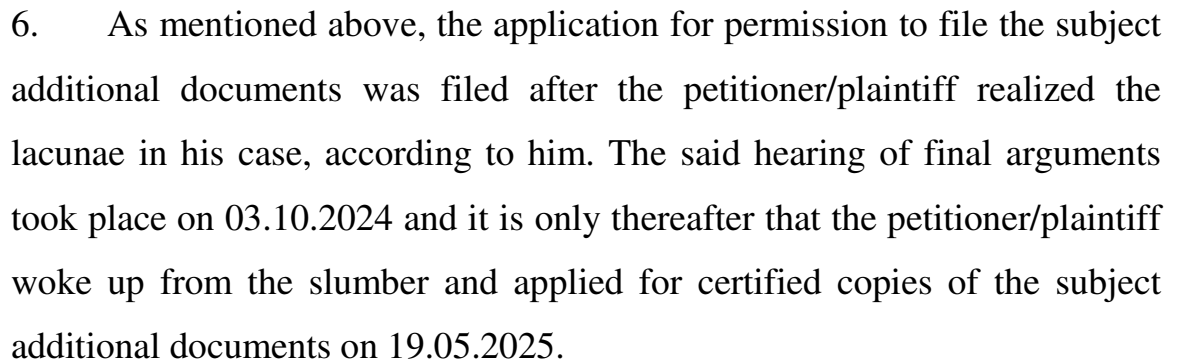
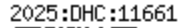
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7. I am unable to find any merit in the argument that the subject additional documents could not have been filed at appropriate stage. As mentioned above, according to petitioner/plaintiff, the subject additional documents were filed in another suit CS DJ 13114/2016 in which the petitioner/plaintiff himself is a party and he came to know about those documents way back in the year 2016. *(At this stage, it is submitted by learned senior counsel on instructions that they are not certain as to whether they came to know about the subject additional documents in the year 2016 or later. However, the fact remains that there is no disclosure in this regard in the application).* Nothing prevented the petitioner/plaintiff to apply for certified copies of the subject additional documents in time.

8. Further, there is not even a whisper of explanation as to why the petitioner/plaintiff did not summon the witness from Ramjas Foundation with the records related to the subject additional documents. Besides, the subject additional documents are the certified copies of registered sale deed, lease deed, site plans, regularization letters and release deed etc., all of which could have been conveniently proved by summoning records of the Sub-Registrar at the stage of plaintiff's evidence. Having not led appropriate



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evidence at appropriate stage, now after part arguments were advanced, the petitioner/plaintiff wants to plug the loopholes.

9. As reflected from the impugned order itself, in the course of arguments on the application before the trial court, learned counsel for petitioner/plaintiff admitted that if the queries were not raised by the learned trial court, the plaintiff would have confined himself to the material on record. Despite that, the application was not only pressed, but the order of dismissal of the application has even been brought to this Court under challenge. Even those queries of the learned trial court raised during final arguments were not new; those queries were raised in order dated 03.10.2024 as well (*as recorded in paragraph 6 of the impugned order*) but the petitioner/plaintiff opted to remain silent.

10. In view of the aforesaid, I find no infirmity, much less perversity that would call for interference under Article 227 of the Constitution of India. The petition is completely frivolous and has been filed to ensure that the suit pending since the year 2012 does not get decided. As such, the petition is dismissed with cost of Rs.20,000/- to be deposited online by petitioner with www.bharatkeveer.gov.in within one week. Copy of this order be sent to the learned trial court to ensure compliance of cost.

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(JUDGE)

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DECEMBER 20, 2025/as

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