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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Date of decision: 31<sup>st</sup> July, 2024*

+ CM(M) 3069/2024 & CM APPL. 43265/2024  
RAJ SINGH & ANR.

.....Petitioner  
Through: Mr. Pradeep Chaudhary, Advocate.

versus

## OM PRAKASH LAKRA & ANR.

## .....Respondents

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN  
JUDGMENT (oral)**

CM APPL. 43266/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 3069/2024

1. Petitioner is plaintiff before the learned Trial Court and is aggrieved by order dated 27<sup>th</sup> April, 2024 whereby his request to place on record certain additional documents has been declined.
2. Learned Trial Court observed that the case had already been fixed for final arguments and no specific reason had been assigned, as to why these documents could not be submitted earlier.
3. According to Mr. Pradeep Chaudhary, present suit is for partition and possession and, admittedly, is at the stage of final arguments.
4. However, according to him certain documents were found necessary for just and proper decision of the case and, therefore, request in this regard should not have been turned down.



5. I have gone through the contents of the application moved by the petitioner before the learned Trial Court under Section 151 CPC.

6. Needless to say, such application is totally vague and unspecific. The relevant contents of the application are as under:-

*“1. That a Civil Suit for Possession is pending before this Hon’ble Court and same is fixed for 18/09/2023 for evidence.*

2. That the plaintiff and defendant are going closed the evidences and case, which the documents of ownership related to this suit land i.e. WILL, Ownership, Ration Card, General Power of Attorney, Loan Receipt in favour of the plaintiff, which is sought to be produced in, the Hon'ble Court, is necessary and urgent document for just and proper for decision of the case.

3. That the document which is sought to be produced by way of additional evidence are in original available with the applicant/plaintiff.

4. That non-production of the above said documents was a bonafied mistake but it was not intentionally.”

7. The petitioner is pursuing a suit for partition and possession and if all those documents were relevant and necessary for just and proper decision of the case, these should have been filed at the earliest available opportunity. Moreover, no reason has been assigned as to why these documents were not placed earlier before the learned Trial Court.

8. As already noticed above, no reason whatsoever has been mentioned even in the application as to what prevented the plaintiff from placing these documents on record before the trial had commenced.

9. Moreover, this Court also cannot be oblivious of the fact that the case is already at the stage of final arguments. The suit in question was instituted way back in the year 2016 and if such application is allowed, it will not only be prejudicing the rights and interests of the defendants but would also be prolonging the trial for totally unjustifiable reasons.



2024/CIC/5060



10. Viewed thus, there is no merit or substance in the present petition. The petition is, thus, dismissed.

**(MANOJ JAIN)  
JUDGE**

**JULY 31, 2024/ss**