



2025:DHC:9909



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

% *Date of Decision: 12.11.2025*

+ **CM(M) 1001/2022 & CM APPL. 41601/2022 (stay)**

SHRI JAGDISH SETH

.....Petitioner

Through: Mr. Roshan Santhalia, Advocate.

versus

SHRI CHARANJIT LAL KAPOOR (SINCE DECEASED)
THROUGH LRS & ORS.

.....Respondents

Through: Mr. S.K. Bhaduri with Mr. Prem
Prakash, Advocates.

CORAM: JUSTICE GIRISH KATHPALIA

ORDER (ORAL)

1. Petitioner/defendant has assailed order dated 04.07.2022 of the learned trial court, whereby at the stage of defendant's evidence, his documents were not taken on record. I have heard learned counsel for both sides and examined the record.

2. Briefly stated, the predecessor of the present respondents filed a suit for recovery of possession and permanent injunction against the present petitioner pertaining to a plot of land bearing Khasra No. 431, within the revenue estate of Village Mandawali Fazalpur, Illaqa Shahdara, Delhi-



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110092 (*hereinafter referred to as the “suit property”*). The present petitioner/defendant resisted the suit, claiming himself to be in possession of Khasra No. 430, within the revenue estate of Village Mandawali Fazalpur, Illaqa Shahdara, Delhi-110092 and not of the suit property. At the stage of defendant’s evidence, the petitioner/defendant filed an application, seeking to place on record four documents, namely, title deeds of the property of the petitioner/defendant; judgment dated 15.12.2010 passed by the trial court in a civil suit; order dated 19.11.1988 passed in the said suit for demarcation of the property, subject matter of that suit as well as the demarcation report filed by the revenue authorities; and order dated 15.09.2014 of this High Court. The learned trial court, after hearing both sides dismissed the application mainly on the ground that the petitioner/defendant did not make any whisper as to why the concerned documents were not filed along with the Written Statement and as to whether the said documents were not in possession of the petitioner/defendant.

3. In the course of the hearing of the present petition before the predecessor bench, on 27.08.2024, learned counsel for petitioner/defendant opted to confine the petition only to the extent of filing copy of one death certificate, certain orders, judgment, one *roznamcha* (DD Entry) and a demarcation report.

4. So far as copies of the judicial order and judgment is concerned, learned counsel for respondents has no objection if the same are taken on record. So far as the death certificate is concerned, although there was no



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reference in that regard in the application of the petitioner/defendant but learned counsel for respondents/plaintiffs submits that even the said document can be taken on record.

5. But as regards the *roznamcha* (*DD entry*) and the demarcation report, learned counsel for respondents/plaintiffs has strong objection because there is no explanation as regards relevance of the said documents.

6. As regards the relevance of the said two documents, learned counsel for petitioner/defendant contends that the same would show that the suit property falls in Khasra No. 430 and not 431. But if that be so, the respondents/plaintiffs would lose the suit. Further, copies of the alleged *roznamcha* and the demarcation report are not even on record.

7. More importantly, there is not even a whisper as to when the said two documents came into possession of the petitioner/defendant and as to for what reason those documents were not filed with the Written Statement. It would be unfair to take the respondents/plaintiffs by surprise by introducing those two new documents at the stage of defendant's evidence without there being any explanation as regards failure to file those documents at appropriate stage.

8. Therefore, on both counts, namely, the relevance and the explanation for failure to file those documents at an appropriate stage, the petitioner/defendant must fail.



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9. I am unable to find any infirmity in the impugned order that would call for intervention under Article 227 of the Constitution of India. However, in view of the above submissions, the copies of the judgment and judicial order can be taken on record with consent of the other side.

10. Accordingly, the petition stands disposed of, modifying the impugned order with consent of both sides that certified copies of the judgment dated 15.12.2010, judicial order dated 19.11.1988 and order dated 15.09.2014 of this court are taken on record. Accompanying application also stand disposed of.

**GIRISH KATHPALIA
(JUDGE)**

NOVEMBER 12, 2025/ry