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

% *Date of Decision: 27.11.2025*

\+ **CM(M) 2285/2025, CM APPL. 74310/2025 & 74311/2025**

SUNIL NIGAM @ SUSHIL NIGAM .....Petitioner

Through: Mr. Raushan Kumar and Mr. Sajal Manchanda, Advocates

versus

SANJEET KUMAR .....Respondent

Through: Mr. Vidur Kamra, Advocate

CORAM: JUSTICE GIRISH KATHPALIA

O R D E R (ORAL)

1. Petitioner/defendant has assailed order dated 21.07.2025 of the learned trial court whereby his application for filing additional documents was dismissed on the ground that no cogent explanation is furnished as to whether the subject additional documents were not in power and possession of the petitioner/defendant. The subject additional documents are the family settlement and the income tax returns of the respondent/plaintiff.

2. At the outset, learned counsel for petitioner/defendant contends that he does not press for the family settlement to be taken on record. But so far as the income tax returns are concerned, the same are the documents of the present respondent and the same came into the possession of the

petitioner/defendant through cross-examination of the respondent/plaintiff in another litigation.

3. Learned counsel for respondent/plaintiff appearing on advance intimation accepts notice and submits that subject to terms and also allowing him to reserve right to challenge the mode of proof of the subject additional documents, the petition may be allowed so that the suit gets decided expeditiously.

4. Obviously, as and when the subject additional documents are tendered in evidence, the respondent/plaintiff shall have liberty to challenge the mode of proof of the same.

5. In the above circumstances, with consent of both sides, the present petition is allowed and the impugned order is partly set aside, directing that subject to payment of cost of Rs.10,000/- to the respondent/plaintiff, the income tax returns of the respondent/plaintiff filed by the petitioner/defendant are taken on record, leaving it open for the respondent/plaintiff to challenge the mode of proof at appropriate stage. The accompanying applications also stand disposed of accordingly.

GIRISH KATHPALIA

Digitally signed by GIRISH KATHPALIA
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GIRISH KATHPALIA
(JUDGE)

NOVEMBER 27, 2025/as