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

% *Date of Decision: 05<sup>th</sup> May, 2025*

+ CM(M) 819/2025 & CM APPL. 26744-26745/2025

SATYAJEET SAMANTA & ANR. ....Petitioner

Through: Mr. Rakesh Kumar, Adv.

versus

SHRADDHA NANDA & ANR. ....Respondent

Through: Appearance not given

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. Petitioners are defending a suit for specific performance, recovery of damages, injunction and possession.
2. The suit in question was filed before this Court on its original side. However, with the change in pecuniary jurisdiction, it got transferred to District Courts.
3. Such said suit is already at the stage of defendants' evidence.
4. It was at that stage of the suit that the defendants moved three different applications. He sought amendment in his written statement and also sought permission to place on record certain additional documents. He also made a request to the Court to direct the plaintiff to produce the originals of such documents, claiming that these were essential for proper adjudication of the suit.
5. A bare perusal of the impugned order and the applications moved by the defendants before the learned Trial Court would indicate that all the applications are interconnected and interwoven.



6. The defendants want to place on record one *Agreement to Sell* dated 28.04.2012, and other property documents dated 27.07.2012. Their case is that these documents would indicate the falsity in the suit filed by the plaintiff. They also, consequently, seek direction from the learned Trial Court to ask the plaintiff to place on record these documents.

7. The learned Trial Court, categorically, noted that the documents which the defendants wanted to place on record were of the year 2012 and 2013. It also noticed that the written statement had been filed by the defendants in the year 2014 and such documents were in existence at the time when the written statement had been filed by them.

8. During course of the arguments, learned counsel for the defendants, in all fairness, admitted that these documents were part of the charge-sheet and the defendants herein, who were shown accused in that criminal case, did receive the copies of all such documents. It is however submitted that the defendants, being Bengali, were not very familiar and conversant with English language and, therefore, could not understand the import and consequence of non-mentioning of these documents in their written statement.

9. However, the written statement filed by them, clearly, refers to the above said criminal matter, which at that point of time, was under investigation. Reference be made to Para 10-11 of the written statement of the defendants where they have mentioned about registration of an FIR against them.

10. The stand taken by the defendants that they did not comprehend the necessity earlier on account of document being in English language does not seem to be digestible, and quite evidently, their endeavor is to somehow delay



the disposal of the suit on one pretext or the other.

11. There was no one to have prevented them to place on record these documents at the earliest available opportunity. The endeavor has now been made to derail the case by moving the above said applications, when the case is already at the stage of defendants' evidence.

12. A careful perusal of the impugned order would indicate that the discretionary power seems to have been exercised by the learned Trial Court in a judicious manner and there is no illegality or perversity in the impugned order dated 02.04.2025, necessitating any interference by this Court by invoking its supervisory powers under Article 227 of the Constitution of India.

13. Resultantly, finding no merit and substance in the present petition, the same is hereby dismissed.

14. Pending applications also stand disposed of.

**(MANOJ JAIN)**  
**JUDGE**

**MAY 5, 2025/neha/shs**