



\$~101

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

% ***Date of Decision: 30th July, 2025***

+ CM(M) 1401/2025 & CM APPL. 46079-46080/2025

POONAM NARULA & ANR.

.....Petitioner

Through: Mr. Abhishek Wadhwa, Mr. Saurabh
Yadav, Mr. Rohit Taneja, Ms. Sonali
Rawat and Ms. Somyaa Gurung,
Advocates

versus

BRAHM LAL

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioners are aggrieved by order dated 02.07.2025 whereby their application moved under Order XLI Rules 27 & 28 r/w Section 151 CPC has been dismissed.
2. Petitioners herein were defending a suit for *possession and damages/mesne profits* filed by one Mr. Briham Lal.
3. Such suit has been dismissed by the learned Trial Court on 19.12.2024 and the defendants (petitioners herein) have already filed an appeal challenging the aforesaid judgment and decree.
4. According to the case set up by the plaintiff, defendants were tenants in the suit property whereas according to defendants, they had acquired the ownership of the suit property.
5. Fact, however, remains that both the aforesaid issues have been answered in favour of the plaintiff and, therefore, aforesaid appeal has been



filed.

6. During pendency of the aforesaid appeal, petitioners filed an application under Order XLI Rules 27 & 28 r/w Section 151 CPC and claimed therein that they had, recently, come to know that plaintiff had executed title documents pertaining to suit property in favour of others. They claimed that the plaintiff has tried to sell off the suit property to different persons and such title documents were never presented or produced by them before the learned Trial Court and since, they had acquired knowledge about the aforesaid documents at a later stage and these were never within their knowledge during the trial, they sought permission to take on record the aforesaid title documents, allegedly, executed by the plaintiff in favour of one Mr. Rakesh Kumar and one Mr. Sandeep Agarwal.

7. The aforesaid application has been dismissed.

8. Such order is under challenge.

9. The learned Trial Court took note of the nature of pleadings and also the issues which had been framed in the suit in question and came to the conclusion that the documents sought to be produced would merely suggest that there were some transaction with respect to the same property and that such transaction was between the plaintiff and some third party. The learned Trial Court, therefore, and rightly so, held that these documents have no relevancy with respect to the suit in question.

10. The Court could have given some indulgence, had the documents reflected that the defendants were having little or interest in the suit property but that is not the case at all. As per aforesaid documents, plaintiff is rather creating rights with respect to the suit property in third party and, therefore, apparently, these documents are not relevant for deciding the issues in



2025-DHC-6321



question.

11. This Court, therefore, does not find any reason to interfere with the impugned order as there is no illegality or perversity in the same. The application has been rightly dismissed as the documents, which the petitioners wanted to place on record, have no relevancy with the issues in question.

12. Petition is accordingly dismissed *in limine*.

(MANOJ JAIN)
JUDGE

JULY 30, 2025/dr/shs