



2025:DHC:8715-DB



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

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Date of Decision:26.09.2025

+ FAO(OS) 21/2025, CM APPL. 9284/2025 and CM APPL. 57663/2025

NEHA DUTTA

.....Appellant

Through: Mr. Kuldeep Kumar, Adv. with
Appellant in-person.

versus

CAPITOL ART HOUSE PVT LTD

.....Respondent

Through: Mr. Ishaan Chawla, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

J U D G M E N T (O R A L)

ANIL KSHETARPAL, J.

1. The present Appeal has been filed assailing the Interlocutory Order dated 06.09.2024 passed by the learned Single Judge in CS(OS) 3379/2015 captioned *M/s Capitol Art House (P) Ltd. vs. Neha Datta*.

2. The Plaintiff (Respondent herein) filed a suit seeking a decree of permanent injunction with respect to the front balcony of the First Floor of the property bearing No. 4/1-14 (A-1/4) Eleven Style Mile, Ward 1, Mehrauli New Delhi – 110030 [hereinafter referred to as “suit property”] in the year 2015.

3. The Defendant (Appellant herein) contested the suit claiming tenancy rights over the suit property. Accordingly, in the year 2016



issues were framed, and the Plaintiff closed his evidence in the year 2022.

4. Subsequently, an opportunity was granted to the Defendant to lead evidence pursuant to which he has already examined 10 witnesses. During the course of cross-examination, certain questions were asked and the Defendant produced documents to prove his ownership.

5. Thereafter, the counsel for the Plaintiff completed his cross-examination. At that stage, the Defendant prayed before the Local Commissioner to take the said documents on record, however, such request was declined.

6. Resultantly, the defendant filed an application seeking permission to produce the said documents, which was dismissed by the learned Single Judge *vide* order dated 05.03.2024. The Defendant sought a review of the order dated 05.03.2024, however, the same was also dismissed.

7. On 05.03.2024, the learned Single Judge in the Paragraph No.6, has observed as under:

“6. A perusal of these documents would show that the Defendant is seeking to set up a completely different case than what is pleaded. The questions during cross-examination relate to tenancy rights of the Defendant and not to any ownership rights in respect of the suit property. Under such circumstances, after the evidence is concluded in the matter such fresh documents cannot be permitted to be placed on record. The application is, accordingly, rejected.”



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8. This Court has heard learned counsel representing the parties at length and with their able assistance, perused the paper book.

9. Learned counsel representing the Defendant admits that in the written statement, the Defendant has only claimed tenancy rights and has not established his claim with respect to ownership of the suit property.

10. Moreover, it is to note that the suit has been filed only for grant of decree of permanent injunction.

11. Keeping in view aforesaid position, this Court finds no ground to interfere, hence, the present Appeal, along with pending applications, is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

SEPTEMBER 26, 2025

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