



2026:DHC:6152



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

CNR No. DLHC010303682026

+ **CM(M) 1477/2026 & CM APPL. 49597/2026**

ASHOK KUMAR

.....Petitioner

Through: Mr. Rahul Sharma, Mr. Mani, Ms. Shikha Singh and Mr. Siddhartha Bhadula, Advs.

versus

SMT LALITA YADAV & ORS.

.....Respondents

Through: Mr. Vijay Joshi, Adv. along with R-2

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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31.07.2026

1. The present matter is listed on CM APPL. 49597/2026 filed on behalf of the petitioner, seeking recalling of order dated 21.07.2026 passed by this Court or, in alternative, the matter be taken up for early hearing.
2. In view of the same, the present petition has been taken up for hearing today and is being disposed of by this judgment.
3. Before proceeding further, it is imperative to briefly set out the facts of the present petition. The petitioners/plaintiff instituted a suit under Section 6 of the Specific Relief Act, 1963 *inter alia*, seeking recovery of possession, and damages in respect of property bearing No. A-123, Phase-1, Aya Nagar, New Delhi, ad measuring 150 sq. yds. The suit bearing no. CS DJ 7839/2016 is presently pending adjudication before the learned District Judge-06, South District, Saket Courts, New Delhi ("Trial Court"), and is



fixed for final arguments on 01.08.2026.

4. The petitioner is aggrieved by the order dated 04.04.2026, whereby the learned Trial Court dismissed petitioner's application under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), seeking to place certain documents on record. The operative para of the impugned order is reproduced hereunder:

"7. Perusal of the record reveals that the present suit was filed in the year 2016, issues were settled in the year 2017, and now finally after about 10 long years, present case has reached final arguments stage. Plaintiff has sought to place on record copies of cross examination of PW11 and PW14, who are official witnesses, and the plaintiff could have examined them in the present case also along with record if he wants to rely upon them but plaintiff did not choose the same, Furthermore, plaintiff has failed to explain as to how examination of PW11 and PW14 recorded in Cr Case No.2035978/2016, State vs. Ashok & Ors, FIR No. 154/2016 is relevant for adjudication of the present case. Further, parties may be in litigation in other cases, which does not mean that at any stage like at the stage of final arguments, as in the present case, any party come to file copies of cross examination of witnesses recorded in that case and seek permission to lead fresh evidence.

8. In view of above discussion, this Court finds no merit in the application at hand and the same is dismissed."

[emphasis supplied]

5. Aggrieved by the said order, the petitioner has invoked the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

6. Learned counsel for the petitioner submits that he seeks to place on record, the following documents before the learned Trial Court:

- (i) Cross-examination of PW-11, PW14 recorded in Criminal Case No. 2035978/2016;
- (ii) Judgment dated 23.09.2025 passed in Criminal Case No. 2035978/2016, acquitting the petitioner of all charges;



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- (iii) Status Report dated 10.05.2024 on behalf of Tehsildar/Executive Magistrate (Mehrauli);
- (iv) List of further additional documents received on 15.09.2025 and 14.11.2025, enclosing documents, i.e., **(a)** Map/Naksha of Khasra Nos. 1680, 1681, 1686/1, 771 & 772 situated in the revenue estate of Village Aya Nagar, received by the petitioner from the SDM, Meharuli; **(b)** Khasra Girdawari for the year 2019-2020 of Khasra Nos. 1680, 1681, 1686/1, 771 & 772 situated in the revenue estate of Village Aya Nagar, received by the petitioner from the SD, Mehrauli; and **(c)** Judgment dated 23.09.2025, passed in Cr Case No. 2035978/2016, received on 14.11.2025.

7. He further submits that the documents sought to be placed on record are subsequent developments and are material, relevant and necessary for adjudication of the underlying suit.

8. Mr. Joshi, learned counsel appearing on behalf of the defendant, though initially objected to the same, has, after some arguments, conceded that he has no objection if the documents are placed on record except for the Map/Naksha and Khasra Girdawari of Khasra Nos. 1680, 1681, 1686/1, 771 & 772 situated in the revenue estate of Village Aya Nagar, received by the petitioner from the SDM, Meharuli, as these documents, as submitted, were always in the custody of the petitioner.

9. In view of the submissions advanced by the learned counsel for the parties, and having regard to the limited nature of the relief sought, this Court is inclined to allow the present petition to the extent indicated hereinbelow.



10. Learned counsel for the parties are *ad idem* if only the following documents, for the limited purpose of advancing final arguments, are taken on record:

- (i) The cross-examination of PW-14 dated 12.07.2024: Statement of Sh. Sanjeet Kumar, Patwari, ADM office, South, M.B. Road, Saket;
- (ii) The cross-examination of PW-11 dated 01.08.2025: Statement of Sh. Ram Niwas, Rtrd. SI, R/o VPO, Nimoth Dist. Rewari, Haryana;
- (iii) Status Report dated 10.05.2025, on behalf of Tehsildar/Executive Magistrate (Mehrauli);
- (iv) Judgment dated 23.09.2025 passed by learned Judicial Magistrate First Class, Mahila Court-01, South district, Saket Court, New Delhi, in Cr. Case No. 2035978/2016, arising out of F.I.R. No. 154/2016 u/s 323/354/447/506/509/34 of the Indian Penal Code, 1860, PS- Fatehpur Beri.

11. At this stage, learned counsel for the petitioner further undertakes that the aforesaid documents shall not be relied upon for the purpose of leading any further evidence or reopening evidence already concluded, and that the said documents shall be confined solely to the purpose of advancing final arguments.

12. Learned counsel for the respondent submits that he has no objection, if the aforesaid documents are taken on record for the limited purpose as aforesaid.

13. In view of the statements made on behalf of the parties, the impugned order dated 04.04.2026 is set aside, subject to payment of cost of Rs. 10,000/- to the Delhi High Court Bar Association, Account bearing No. 15530100000478 (IFSC Code: UCBA0001553) maintained with the UCO



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Bank, Delhi High Court, New Delhi, payable by petitioner.

14. It is clarified that the learned Trial Court shall take on record only the documents referred to in paragraph 10 above, which shall be considered strictly for the limited purpose of hearing and adjudicating the final arguments. It is further made clear that the petitioner shall not be permitted to adduce any further evidence or seek to reopen the evidence already concluded on the strength of the aforesaid documents.

15. The petition is accordingly allowed in the aforesaid terms. Pending application(s), if any, also stand disposed of.

16. The date already fixed, i.e. 02.09.2026 stands cancelled.

AJAY DIGPAUL, J

JULY 31, 2026/ar/dd