



2025:DHC:11661



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

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*Date of Decision: 20.12.2025*

+ **CM(M) 2448/2025**

**SANJIV NARULA**

.....Petitioner

Through: Dr. Shashi Kiran, Senior Advocate  
with Mr. Nikhil Kumar Sharma and  
Ms. Jashmine Minj, Advocates

versus

**PARGAT SINGH AND ANR**

.....Respondents

Through: None.

**CORAM: JUSTICE GIRISH KATHPALIA**

**ORDER (ORAL)**

1. Petitioner/plaintiff has assailed order dated 17.09.2025 of the learned trial court, whereby his application under Order VII Rule 14(3) CPC and Order XVI Rule 1(3) CPC read with Section 151 CPC (*moved subsequent to part hearing of final arguments*) was dismissed. Having heard learned senior counsel for petitioner at length, I do not find it a fit case to even issue notice. Rather, the present petition is found to be completely frivolous and filed with oblique purposes to somehow delay disposal of the subject suit, which is pending since the year 2012.

2. Broadly speaking, the circumstances relevant for present purposes are that in the subject suit filed by the petitioner/plaintiff for recovery of



possession of immovable property, damages, *mesne* profits, declaration and permanent injunction, the present respondents/defendants filed a detailed Written Statement and after framing of issues, the suit was taken through full dress trial. During final arguments, the learned trial court in the course of discussion raised certain queries, in furtherance whereof, the petitioner/plaintiff filed an application under Order VII Rule 14(3) CPC and under Order XVI Rule 1(3) CPC read with Section 151 CPC, which application was dismissed by way of the impugned order.

3. Learned senior counsel for petitioner/plaintiff, taking me through the aforesaid contends that the impugned order is not sustainable in the eyes of law. It is contended by the learned senior counsel that the subject additional documents were in the custody of Ramjas Foundation, which is a private trust, so the same could not be filed at appropriate stage. Learned senior counsel also contends that the subject additional documents being relevant for the dispute, the trial court ought to have allowed the application. In response to a specific query, the learned senior counsel for petitioner/plaintiff, on instructions, informs that the subject additional documents were earlier filed in another suit bearing no. CS DJ 13114/2016, in which the present petitioner/plaintiff was a party and the subject additional documents were filed there in the year 2016. Further, in response to specific query, learned senior counsel for petitioner/plaintiff submits that the plaintiff applied for certified copies of the subject additional documents on 19.05.2025 and received the same on 22.05.2025. With the help of judicial precedents in the cases titled *Sugandhi (Dead) by LRs & Anr. vs P. Rajkumar*, (2020) 10 SCC 706 and *Pradeep Bailey vs Gilma Daniel*, 2025



SCC OnLine Del 4547, learned senior counsel argues that procedure being handmaid of justice, the same cannot prevail over substantive justice. It is also argued by learned senior counsel with the help of a well known maxim that act of court shall not prejudice anyone.

4. Of course, procedure is handmaid of justice. But the question to be probed is whether it would be justice to start *de novo* trial of the suit pending since the year 2012; where we are at the threshold of the year 2026. It also needs to be understood as to whether in the name of the expression “handmaid of justice”, a party can be allowed to fill in the lacunae in its case. If at this stage, the petitioner/plaintiff is permitted to file the subject additional documents and prove the same by summoning the witnesses, the respondents/defendants also would have to be granted further opportunity, which can be in the form of amending the pleadings, followed by amending the issues and the defendant’s evidence. One wonders when the subject suit which is pending since the year 2012 will find closure. That cannot be the intent behind the principle that procedure is handmaid of justice.

5. In the present case, it would be interesting to note that the petitioner/plaintiff did not bother to even place on record a copy of the application, disposal whereof led to the impugned order. On my request, learned senior counsel for petitioner/plaintiff has shown me a copy of that application dated 15.07.2025. The said application is completely silent about the date when the plaintiff applied for and/or received certified copies of the subject additional documents.



6. As mentioned above, the application for permission to file the subject additional documents was filed after the petitioner/plaintiff realized the lacunae in his case, according to him. The said hearing of final arguments took place on 03.10.2024 and it is only thereafter that the petitioner/plaintiff woke up from the slumber and applied for certified copies of the subject additional documents on 19.05.2025.

7. I am unable to find any merit in the argument that the subject additional documents could not have been filed at appropriate stage. As mentioned above, according to petitioner/plaintiff, the subject additional documents were filed in another suit CS DJ 13114/2016 in which the petitioner/plaintiff himself is a party and he came to know about those documents way back in the year 2016. (*At this stage, it is submitted by learned senior counsel on instructions that they are not certain as to whether they came to know about the subject additional documents in the year 2016 or later. However, the fact remains that there is no disclosure in this regard in the application*). Nothing prevented the petitioner/plaintiff to apply for certified copies of the subject additional documents in time.

8. Further, there is not even a whisper of explanation as to why the petitioner/plaintiff did not summon the witness from Ramjas Foundation with the records related to the subject additional documents. Besides, the subject additional documents are the certified copies of registered sale deed, lease deed, site plans, regularization letters and release deed etc., all of which could have been conveniently proved by summoning records of the Sub-Registrar at the stage of plaintiff's evidence. Having not led appropriate



evidence at appropriate stage, now after part arguments were advanced, the petitioner/plaintiff wants to plug the loopholes.

9. As reflected from the impugned order itself, in the course of arguments on the application before the trial court, learned counsel for petitioner/plaintiff admitted that if the queries were not raised by the learned trial court, the plaintiff would have confined himself to the material on record. Despite that, the application was not only pressed, but the order of dismissal of the application has even been brought to this Court under challenge. Even those queries of the learned trial court raised during final arguments were not new; those queries were raised in order dated 03.10.2024 as well (*as recorded in paragraph 6 of the impugned order*) but the petitioner/plaintiff opted to remain silent.

10. In view of the aforesaid, I find no infirmity, much less perversity that would call for interference under Article 227 of the Constitution of India. The petition is completely frivolous and has been filed to ensure that the suit pending since the year 2012 does not get decided. As such, the petition is dismissed with cost of Rs.20,000/- to be deposited online by petitioner with [www.bharatkeveer.gov.in](http://www.bharatkeveer.gov.in) within one week. Copy of this order be sent to the learned trial court to ensure compliance of cost.

**GIRISH KATHPALIA  
(JUDGE)**

**DECEMBER 20, 2025/as**