

Pawan Kumar vs Sandeep Goel

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Court : Delhi

Decided On : Feb-02-2026

Judge : Hon'Ble Mr. Justice Rajneesh Kumar Gupta

Appeal No. : CM(M)/252/2026

Appellant : Pawan Kumar

Respondent : Sandeep Goel

Advocate for Def. : Mr. Shiv Charan Garg, Mr. Imran Khan, Ms. Jahanvi Garg, Ms. Aarushi Jain

Advocate for Pet/Ap. : Mr. Pallav Arora, Mr. Apoorv Kataria

Judgement :

\$~52 * IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Decision: 02nd February, 2026 + CM(M) 252/2026

PAWAN KUMARPetitioner Through: Mr. Pallav Arora and Mr. Apoorv Kataria, Advocates. versus

SANDEEP GOELRespondent Through: Mr. Shiv Charan Garg, Mr. Imran Khan, Ms. Jahanvi Garg and Ms. Aarushi Jain, Advocates. CORAM: HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA ORDER (Oral) Rajneesh Kumar Gupta, J. 1. This hearing has been conducted through hybrid mode. CAV 57/2026

2. As the learned Counsel for the Respondent has appeared, the Caveat stands discharged. CM APPL. 7013/2026 (for condonation of delay) 3. The present application has been filed by the petitioner under Section 5 of the Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908, seeking condonation of delay of 18 days in refiling the present petition. 4. For the reasons stated in the application, the delay of 18 days in refiling the present petition is condoned and the application is disposed of.

Signature Not Verified Signed By:MANISHA CM(M) 252/2026 Page 1 of 4 RAJPUT Signing Date:03.02.2026 11:11:24 CM APPL. 7012/2026 (for exemption) 5. Allowed, subject to all just exceptions. Application stands disposed of. CM(M) 252/2026 & CM APPL. 7011/2026 6. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, 1950, assailing the order dated 13th December, 2025, passed by the trial court in case bearing no. RC ARC 491/24, whereby the application filed by the petitioner under Order VIII Rule 1A of Code of Civil Procedure, 1908 for placing on record additional documents has been dismissed. 7. Learned Counsel for the respondent appeared on advance notice and accepts notice. 8. With the consent of learned counsels for the parties, the matter is heard today itself. Record perused. 9. Learned Counsel for the petitioner has argued that the main grievance of the petitioner is that sufficient time was not granted by the trial court to file the documents in question. The trial court has passed the impugned order in haste, without proper appreciation of the facts of the case. 10. Per contra, learned Counsel for the respondent has argued that the application has been filed only with a view to delay the trial. It is submitted that sufficient opportunities were granted to the petitioner to file the documents, even at the stage when the rejoinder was filed. This, according to the learned counsel, clearly reflects the conduct of the petitioner to delay the matter. 11. This Court have perused the impugned order and the relevant portion of the impugned order dated 13th December, 2025, is reproduced as under: 7. It is trite to state that the ordinary rule of judiciary

Signature Not Verified Signed By:MANISHA CM(M) 252/2026 Page 2 of 4 RAJPUT Signing Date:03.02.2026 11:11:24 procedure is that the statutory time period of 15 days for filing of leave to defend application is inflexible and whatever

has to be stated in the leave to defend application with respect to the facts and events, which have happened prior to 15 days period must be stated in the leave to defend application itself and not by way of subsequent affidavits or documents. Reliance in this regard is placed upon the observation of the Apex Court in Prithipal Singh Vs. Satpal Singh, (2010) 2 SCC 15.

8. In the present case, the application for leave to defend was filed before the court on 08.11.2024. Now the applicant / respondent wishes to place on record the photographs of the petitioner's shop, pagri document, receipt of Conversion charges, Income Tax Returns, Telephone bills and Insurance copies. It is pertinent to note that these documents were available with the respondent at the time of filing of application for leave to defend and there are latches on the part of the respondent. As far as the documents filed alongwith the application under Order 8 Rule 1A CPC r/w Section 151 CPC is concerned, the said documents were available with the respondent prior to the date of filing of the leave to defend application. Therefore, pleadings in this regard should have been made in the leave to defend application itself.

9. Reliance in this regard is placed upon Madhu Gupta Vs. Gardenia Estates (P) Ltd., 184 (2011) DLT 103 wherein it was observed that :-

No amendment should be granted to leave to defend application because if the amendment is allowed to leave to defend application, then the sanctity of the 15 days period will be destroyed".

10. Therefore, in the garb of present application, the respondent cannot be allowed to place on record additional documents as the same is not permissible as it

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RAJPUT Signing Date:03.02.2026 11:11:24 would destroy the sanctity of 15 days period for raising grounds for leave to defend.

11. Accordingly, in view of the aforesaid discussion, the said application moved on behalf of the respondent is hereby dismissed as being not maintainable.

12. Upon perusal of the impugned order, this Court is of the view that the trial court has passed the reasoned order in accordance with law. Accordingly, there is no illegality or infirmity in the impugned order. 13. Accordingly, the present petition is dismissed as being devoid of any merit. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J FEBRUARY 02, 2026/v/tp

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