

RCA DJ 160/17
C.B. RAVAT ETC. VS J.B. SINGH I.A.S.

06.07.2019

Present: Dr. Nepal Singh, Ld. Counsel for the appellants.
Sh. Ajit Pratap Singh, Ld. Counsel for respondent No.1.
Sh. S.K Sharma, Ld. Counsel for respondent No.3.

No formal reply is being filed by Id. Counsel for the respondents present and they state that they would argue the matter straightaway. Their objection is on the ground that the document now sought to be placed on record of the appeal were available with the appellants as during 2017 and there is no explanation as to why they were not filed before the Ld. Trial court. Further submission is that documents can be allowed to be placed on record only within four corners of order 41, Rule 27 CPC and therefore, application U/Sec. 151 CPC cannot be allowed for this purpose.

On the other hand, it is submitted that the audit report was not available at the time of filing of the suit and it was circulated on 21.02.2018 only from the Institute of Chartered Accountants of India, ITO, New Delhi and therefore, it could not be filed earlier. He further submits that the incomplete audit report was circulated in AGBM held by the managing committee in Oct./Nov. 2017 and thereafter the complaint was made by the appellant before the Institute of Chartered Accountants in the month of Feb./March 2018.

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The above submission is countered by the Id. Counsel for respondents on the ground the audit report was circulated in June 2017 and as per rules, it was made available to every member of the Nav Jagriti, CGHS Ltd./Society and the appellant never applied for a copy of an audit report either with the society or with the Registrar of Cooperative societies and it is not made clear as to why the appellant did not apply to the right forum for getting copies of the audit report and instead approached the institute of Chartered Accountants and civil suit itself had been filed on 06.10.2017 and the same was decided on 13.10.2017.

Put up on 03.08.2019 for orders. Parties may submit written arguments with copy to other side.

(Sanatan Prasad)
Additional District Judge-01
(East)/KKD/Delhi/06.07.2019