

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 1941 of 2015

Date of Decision: May 7, 2015

State Bank of Patiala

.....Petitioner

Vs.

Inderjit Kaushal and anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Vikas Chatrath, Advocate for the petitioner.

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M.M.S. BEDI, J.(ORAL)

Counsel for the plaintiff- petitioner has made a reference to para 15 of the plaint in which the plaintiff- bank had made a reference to the legal notice and postal receipts. There is an averment that the documents were appended with the plaint. Learned counsel for the petitioner contends that as per provisions of Order 7 Rule 14 CPC, the documents mentioned in the pleadings as per Order 6 Rule 9 CPC were produced as per Order 7 Rule 14 CPC alongwith the plaint.

Notice of motion.

At this state, Mr. H.R. Noharia, Advocate for the defendant-respondents has sought intervention.

Counsel for the respondents is permitted to intervene.

Learned counsel for the respondents has brought to notice of the Court that the notice alleged to have been sent to the defendant by the plaintiff bank stands already exhibited on the record as Ex.P-10 and its authenticity, reliability and relevance is yet to be determined by the Court at the time of final adjudication.

So far as the prayer of the plaintiff- bank for producing a copy (secondary evidence) of the affidavit of defendants attested by the Advocate/ Notary Public is concerned, counsel for the defendant – respondents has submitted that the said document is neither referred to in the plant nor the said document has been relied upon at the time of filing of the suit. An attempt is being made to fill in the lacuna.

Taking into consideration the above said circumstances, I am of the considered opinion that there is no illegality in the order passed by the trial Court dismissing the application for producing the above said evidence at the rebuttal stage.

Dismissed.

May 7, 2015
sanjay

(M.M.S.BEDI)
JUDGE