

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CR. No. 2839 of 2015
Date of decision:-27.4.2015

Laveena Jindal

Petitioner

vs.

Shri Atma Nand Jain Sabha and anr

Respondent

Present: Mr. KB Raheja, Advocate.

M.M.S.BEDI,J.

The legality and propriety of order dated 8.4.2015 has been questioned by the defendant- petitioner claiming that a large a number of documents have either been exhibited or marked on their production before the trial court at rebuttal stage but the trial court has permitted the documents to be taken on record by keeping the objections open.

Counsel for the petitioner submits that the objections, raised by the defendant- petitioner, were that the documents were beyond pleadings and could not have been received in rebuttal evidence at the stage, they were produced. The trial court has kept open the objections to be decided at the time of arguments and mode of proof.

I have gone through the impugned order and find that the certified copies of the orders of different dates have been permitted to be exhibited. Some photocopies and deed have been permitted to be marked. Counsel for the petitioner submits that certain statements have been wrongly permitted to be exhibited as Exs. PL, PM and PO. He has submitted that it is mandatory for the trial court to determine the question of admissibility of the documents before making endorsements thereon. He

has placed reliance on **Girdhari Lal vs. Ritesh Mahajan and anr 2005(2) RCR (Rent) 426.**

So far as question of the deferring the question of proof and admissibility of documents produced on record, is concerned, the CPC provides under proviso to Order 18 Rule 4(1) that the proof and admissibility of document shall be subject to the orders of the court. The sole controversy raised by the defendant- petitioner at this stage is that the trial court could have decided the admissibility before marking or exhibiting the documents.

I have considered the contention of the counsel for the petitioner and I am of the opinion that all the documents have not been exhibited. The trial court in its judicial wisdom has allowed the exhibition of some documents and marked certain documents but at the same time has kept the objections open. It is pertinent to observe here that the case is at penultimate stage of final arguments. All the objections raised by the petitioner regarding admissibility and proof or authenticity of the documents have been kept open to be decided at the time of final arguments, as such, no ground is made for interference in the impugned order.

The above said judgment cited by the counsel for the petitioner is not applicable in view of the stage of the case i.e. argument stage.

Dismissed

April 27 ,2015
TSM

(M.M.S.BEDI)
JUDGE