

209

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.3232 of 2013

Date of decision: March 10, 2015

M/s Amrit Lal and Company and another

.....Petitioners

Versus

M/s Ram Sarup Parveen Kumar and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sanjay Jain, Advocate
for the petitioners.

Mr. Lalit K. Gupta, Advocate
for the respondents.

SABINA, J

Petitioner has filed this petition challenging the order dated 26.04.2013 (Annexure P-1).

Learned counsel for the petitioner has submitted that the documents now sought to be proved on record by the respondents, were not mentioned in the written statement filed by them. Infact, the documents Exhibit D7 to Exhibit D13 have been later created by the respondents to advance their case.

Learned counsel for the respondents, on the other hand has submitted that the documents Exhibit D7 to Exhibit D13 are already on record as they were tendered by the counsel for the respondents on 20.04.2012. Since an objection was raised by the petitioner qua admissibility of the said documents, the application for permission to lead additional evidence was moved by the respondents and the respondents

want to examine their clerk to prove the Exhibit D7 to Exhibit D13.

In the present case, petitioners have filed suit for recovery. At the time of closing of evidence of the respondents, their counsel tendered documents Exhibit D7 to Exhibit D13 on 20.04.2012. An objection was raised by the counsel for the petitioners qua admissibility of the said documents and the trial Court ordered that the objection would be considered at the time of the decision of the case. Apparently, with a view to meet the objection raised by the petitioners, the respondents moved an application for permission to examine their clerk by way of additional evidence to prove the documents Exhibit D7 to Exhibit D13. Learned trial Court in the facts and circumstances of the present case, rightly allowed the application moved by the respondents for permission to lead additional evidence as the documents sought to be proved by the respondents by way of additional evidence, are already available on record. Moreover, petitioners will get an opportunity to cross-examine the witness sought to be examined by the respondents and will also get an opportunity to lead their evidence in rebuttal.

In the facts and circumstances of the present case, no ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

March 10, 2015

m.singh