

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

CR No. 6406 of 2013 (O&M)

Date of decision: December 18, 2015

Horizon Estates Pvt. Ltd.

...Petitioner

Versus

Piccadilly Real Estate and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

- 1. Whether Reporters of local papers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. Amardeep Sharma, Advocate,
for the petitioner.

Mr. Alok Jain, Advocate,
for the respondents.

K. KANNAN, J. (Oral)

1. The revision is against the order allowing for additional evidence to be given by the defendants in suit where an earlier alleged agreement of sale had been filed. An application for secondary evidence had been filed earlier for the very same document, but it was declined by the trial court and confirmed by this court in revision. Now an application was filed to receive the original on a plea that both the respondents did not know that the original was actually in the file of the suit pending between 4th respondent and his former employee Vishal Jain and the file would require to be produced in court.

2. Learned counsel for the plaintiff argues that the application was

an abuse of process and the trial court was exceeding its jurisdiction in allowing for such evidence to be given. According to him, this Court has already held that the agreement set up by the 4th defendant purported to be in earlier point of time was beyond pleading and the defendants cannot give evidence of the original in respect of a document which this Court has found beyond pleadings. The issue of whether the agreement could be relied on will be still a matter of argument and I would not close an opportunity to the defendants to produce a document, the original of which is available in the court custody in some other proceedings. If the trial court has exercised a discretion to allow for its reception, I find nothing illegal for intervention in the revision.

3. The revision is dismissed.

December 18, 2015
prem

(K.KANNAN)
JUDGE