

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7467 of 2013 (O&M)

Date of decision: 11.08.2015.

Kailash Chander

... Petitioner

versus

Mahender Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Virender Rana, Advocate for the petitioner.

Mr. Adarsh Jain, Advocate for respondent No.1.

K.Kannan, J.

The defendant who after the conclusion of trial wanted to file a copy of the written statement filed by the plaintiff in the previous proceedings initiated by his father. The defendant also wanted to rely on the affidavit of the father filed in the previous suit and copy of postal receipt and envelope relating to the 'refusal' of the postage. The statement to which the plaintiff himself was a party and the affidavit of a person who is not now alive are surely relevant and they are permitted to be received and for the sheer indiscretion in not filing them before his side was closed, I impose cost of Rs. 10,000/- against the defendant. Two other documents postal receipt and cover of an alleged notice said to have been issued to the plaintiff and refused, can not be permitted because this was not even confronted by the plaintiff at the time of execution. I will not allow for the

the document to be brought now. There is also the reference to a Will of the father which in my view is irrelevant, for, it cannot decide the issue of what is relevant for the suit for specific performance.

The order passed already stands modified to allow for the reception of only two documents referred to above namely, the statement of the plaintiff and the affidavit of the defendant's father on the terms mentioned above.

The civil revision petition is disposed of and the modification of the order already passed is made as above.

(K.KANNAN)
JUDGE

11.08.2015

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