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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 300/2016**

JAI NARAYAN SHARMA Petitioner
Through Mr.Swastik Singh and Mr.Atul Singh,
Advocates.
versus

SUNIL VATS & ORS Respondents
Through Mr.Karan Khanna, Advocate for R-6.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR
ORDER
% **29.03.2016**

C.M. No.11603/2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

CM(M) 300/2016 & C.M. No.11602/2016 (stay)

Petitioner is aggrieved by the order dated 01.2.2016 vide which the three documents which had been put by the petitioner (defendant no.2 in the Trial Court) to PW-2 had been declined; they were electricity bill, property tax bill and a landline telephone bill. These documents were purported to be put to the PW-2 as a surprise to substantiate the averment of the petitioner that he was in exclusive possession of the suit property and not the plaintiff/non-applicant who has set up a case of joint possession.

This Court has been informed that the testimony of PW-2 now stands concluded. Petitioner is aggrieved by the finding returned by

the Trial Court who had not permitted the documents to be placed on record. The Trial Court has noted that PW-2 has given evasive reply and had denied knowledge of the same. Learned counsel for the petitioner (defendant no.3 in the Trial Court) states that he be granted an opportunity to move an appropriate application before the Trial Court to place these documents on record. Stage for filing the documents is over but the averments made by the learned counsel for the petitioner (defendant no.3 in the Trial Court) is that these documents were kept as a surprise element to be confronted to PW-3 that is why they were not filed at the relevant stage. Accordingly, liberty is granted to the petitioner (defendant no.3 in the Trial Court) to move an appropriate application to his effect.

With these directions, petition disposed of.

INDERMEET KAUR, J

MARCH 29, 2016

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