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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 689/2014 & C.M. No.11592/2014 and 11593/2014

**RAKESH KUMAR (DECEASED) THROUGH HIS LEGAL HEIRS
SMT. RENU SEHDEV & ORS**

..... Petitioners

Through Mr.Rajat Aneja and Mr. Chetan Kakkar,
Advocates.

versus

SMT. PUSHPA RANI WALIA & ORS

..... Respondents

Through None.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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15.01.2016

Petitioner is aggrieved by the order dated 15.5.2014 vide which the application filed by the petitioner under Section 151 CPC had been dismissed. Contention in that application shows that out of the 11 documents which had been filed along with the affidavit by way of evidence of the petitioner only two documents (Ex-PW-1/1 and Ex-PW-1/3) were exhibited and the remaining document due to inadvertence were not exhibited. The Trial Judge had considered this submission but declined to exhibit these documents.

There is no fault in the finding returned by the Trial Judge. Apart

from the two exhibited documents there are 9 documents i.e. certain letters, postal receipts sent by the petitioner to the SHO. These documents not being original this was probably the reason why these documents were not exhibited. They could be marked.

Learned counsel for the petitioner submits that prejudice may be suffered by him because this had been brought to the notice of the parties only later on after the evidence of the petitioner had been closed; this court has been informed that the matter is now progressing for defendant's evidence. Petitioner seeks liberty from this Court to move an appropriate application before the Trial judge to get these documents exhibited as per law. He is granted permission to file an appropriate application. The Trial Court shall deal with such an application as and when filed by the petitioner in accordance with law.

Petition disposed of.

INDERMEET KAUR, J

JANUARY 15, 2016
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