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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 401/2016
JATINDER PAL SINGH Petitioner
Through Mr.Rajiv Dewan, Advocate.

versus

RAJINDER SINGHAL & ANR Respondents
Through Nemo.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **02.05.2016**

C.M. No.15492/2016 (exemption)

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

CM(M) 401/2016 & C.M. No.15491/2016 (stay)

Petitioner is aggrieved by the order dated 09.11.2015 vide which by tendering affidavit by way of evidence of PW-1 certain documents were exhibited. Petitioner (defendant in the Trial court) is aggrieved by the fact that Ex.PW-1/2 which is stated to be a photocopy of the document is permitted to be taken on record. The tendering of the affidavit by way of evidence on 09.11.2015 in the testimony of PW-1 has been noted. The Court has noted that an objection has been raised by the defendant as to the admissibility and proof of the document and further noted that the same will be decided at the time of final arguments after giving clear permission to the defendant/petitioner to cross-examine PW-1 on Ex.PW-1/2. The right

of the defendant to cross-examine on the contents of the document was objected to so also the admissibility of the document which as noted supra was taken on record but at the same time deferred to be kept open and this point would be decided at the time of final disposal of the suit.

This Court has been informed that PW-1 is still under cross-examination

Learned counsel for the petitioner has placed reliance upon a judgment of the Apex Court reported as (2003) 8 SCC 752 R.V.E.Venkatachala Gounder Vs. Arulmigu Viswesaraswami & V.P.Temple and Another to support a proposition that it was at the time of tendering of affidavit by way of evidence that this objection should have been decided and should not have been kept pending.

This is not the wholesome proposition laid down by the ratio of this judgment. It merely lays down that the Court may pronounce order on a disputed document at that stage of the proceedings but nothing can preclude the Court from keeping it pending to be decided at the time of final arguments especially in the instant case when PW-1 had been cross-examined specifically on this document.

This petition is without any merit. Dismissed with costs quantified at Rs.10,000/-.

INDERMEET KAUR, J

MAY 02, 2016

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