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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 418/2016 & C.M. No.15984/2016 & C.M. No.15983/2016
S TARJIT SINGH

..... Petitioner
Through Mr. Asutosh Lohia, Ms.Saumya
Kumar and Mr. T.S. Gambhir, Advs.

versus

M/S POPULAR SALES PVT LTD & ORS

..... Respondents

Through Nemo.
+ CM(M) 421/2016, C.M. No.16066/2016 (stay) & C.M.
No.16067/2016
S TARJIT SINGH

..... Petitioner
Through Mr. Asutosh Lohia, Ms.Saumya
Kumar and Mr. T.S. Gambhir, Advs.

versus

M/S SAVILLE ROW COLLECTIONS PVT LTD & ORS

..... Respondents

Through Nemo.
+ CM(M) 422/2016, C.M. No.16069/2016 (stay) & C.M.
No.16070/2016 (Exemption)
S TARJIT SINGH

..... Petitioner
Through Mr. Asutosh Lohia, Ms.Saumya
Kumar and Mr. T.S. Gambhir, Advs.

versus

M/S JAINSONS WESTEND PVT LTD & ORS

..... Respondents

Through Nemo.

CM(M) Nos.418/2016, 421/2016, 422/2016 & 423/2016

Page 1 of 4

+ CM(M) 423/2016, C.M. No.16104/2016 (stay) & C.M.
No.16105/2016 (Exemption)
S TARJIT SINGH

..... Petitioner

Through Mr. Asutosh Lohia, Ms.Saumya
Kumar and Mr. T.S. Gambhir, Adv.

versus

M/S JAINSONS COLLECTIONS PVT LTD & ORS

..... Respondents

Through Nemo.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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02.05.2016

The petitioner is aggrieved by the finding returned by the Trial Court in its order dated 05.03.2016 wherein the plaintiff at the conclusion of the trial and at the stage of final arguments had moved an application under Section 151 of the CPC wherein he had sought a prayer seeking production of a handwriting expert to get the aforetoed two power of attorneys examined; these two powers of attorney executed by the parties and this had only come to the notice of the plaintiff now.

Record shows that the present suit is a suit for cancellation of a sale deed which has been filed by the plaintiff. Parties had led their respective evidence. It was at the stage of final argument that the present application came to be filed. This application was filed on 03.12.2015 under Sections 45, 56 & 57 of the Evidence Act. Para 3 is relevant. Attention has been drawn to the same. It is stated that during the course of general preparation of the matter, the counsel for the

plaintiff has made a chance discovery of certain relevant and germane facts particularly relating to the irrevocable powers of attorney executed between the parties. It had been discovered by the plaintiff that there are two contradictory sets of irrevocable power of attorney one of which was on a stamp paper of Rs.20/- denomination and another on a stamps paper of Rs.10 denomination. There appeared to be a controversy and accordingly it was required that the aforementioned two power of attorneys be examined and sent for a scientific examination with regard to the genuineness of the documents.

Reply had been filed to the aforementioned application. It was prayed that the application be dismissed having been filed belatedly.

This Court is of the view that the order of the Trial Court suffers from no infirmity. The application has been filed after the evidence has been led by the respective parties and almost at the conclusion of the final arguments. A perusal of the application shows that this application is wholly lackadaisical and appears to have been filed only to delay the proceedings. No date has been mentioned when chance discovery of this fact was made; as to how it had come to the notice of the plaintiff has not been explained. This is relevant. The application has been filed on 03.12.2015. How and when these facts came to the notice of the plaintiff has not been answered. It was for the plaintiff in the course of his evidence to have disputed these documents and definitely not at the stage of final arguments.

This Court is of the view that at this belated stage, plaintiff is not only trying to gain time but appears to be filling in some kind of a

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loophole which appears to have come in his case. Such a belated prayer cannot be permitted and that too minus and de hors the relevant dates and time having been disclosed as to when and how this had come to the knowhow of the petitioner. The suit is of the year 2005. 10 years later such a plea cannot be taken. It necessarily prejudices the case of the defendants. Moreover the defendants in their evidence have proved five sets of powers of attorneys of which one is on a stamp paper of Rs.20/- denomination and the another one has been executed on a stamp paper of Rs.10/- denomination. The witnesses of the defendants on this point have also been cross-examined.

The impugned order, in this background, suffers from no infirmity. Petition is without any merit. Dismissed with costs quantified at Rs.10,000/-.

INDERMEET KAUR, J

MAY 02, 2016

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