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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 1114/2015 & C.M. No.26570/2015

KUSUM SHARMA

..... Petitioner

Through Mr.Vishal Sharma, Advocate.

versus

CHANCHAL SHARMA

..... Respondent

Through Mr.R.K.Pandey, Advocate.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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23.02.2016

Order impugned before this Court is the order dated 09.10.2015 vide which the application filed by the defendant under Order VIII Rule 1A of the CPC to place on record certain documents had been declined. The defendant wanted to place 26 receipts on record to advance his submission that he is depositing Rs.4000/- per month into the loan account of the plaintiff. Written statement was filed on 15.9.2009 along with a counter-claim. 66 receipts showing that the defendant was depositing Rs.4000/- per month into the account of the plaintiff already stand admitted. Contention of the defendant is that these receipts were not available with him; it was only during the course of the cross-examination of the plaintiff that he learnt about the receipts. He accordingly sought permission of the Court to place the same on record.

The impugned order has been perused.

Learned counsel for the non-applicant/plaintiff has drawn attention

of this Court to the para nos.5 and 6 of the impugned order. The Trial Court was largely of the view that since only photocopies of the receipts purported to be filed had been filed and in some of the receipts, there was an overwriting, these documents could not be taken on record.

Learned counsel for the petitioner submits that the original receipts were with him but along with the application he had filed only photocopies of the same. He will file original receipts on record as and when so directed. Whether the receipts were overwritten or not is a finding by the Trial Court. This could only be decided by trial.

Impugned order is accordingly set aside. The documents are permitted to be taken on record. This order is passed subject to payment of Rs.10,000/- as costs. Petitioner is permitted to file an additional affidavit in support of these documents. Needless to state that these documents have to be proved in accordance with law.

Petition disposed of.

INDERMEET KAUR, J

FEBRUARY 23, 2016
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