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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) 676/2015**

**GAURAV TREHAN** ..... Appellant

Represented by: Mr.Kamal Mehta, Advocate

versus

**GURVINDER SINGH BRAR & ORS**

..... Respondents

Represented by: None

**CORAM:**

**HON'BLE MR. JUSTICE PRADEEP NANDRAJOG**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

% **01.03.2016**

CM No.30653/2015

For the reasons stated in the application the delay of 94 days in filing the appeal is condoned.

FAO (OS) No.676/2015

1. Having heard learned counsel for the appellants we find no merit in the appeal for the reason the appellants cannot take advantage of the notice served upon their predecessor-in-interest : Gaurav Trehan to produce certain documents which the respondents desired, to confront Gaurav Trehan when he appeared as his own witness. Admittedly Gaurav Trehan died and could not be cross examined with reference to the said documents.
2. Attempt by the appellants, who are the legal heirs of Gaurav Trehan, to bring on record additional documents under garb of the direction issued to Gaurav Trehan to produce the documents, has rightly been thwarted by the

learned Joint Registrar, which order has been upheld in the chamber appeal filed by the appellants. The reason being that the stage of the suit at which appellants' predecessor-in-interest could file the documents passed long time back. The appellants can at best file an application praying that the documents be taken on record by showing sufficient cause for not filing the same earlier.

3. We would be failing not to note that a suit instituted in the year 1997 has been prosecuted most negligently by the predecessor-in-interest of the appellants. Being the plaintiff in a suit seeking specific performance in an agreement to sell immovable property, till the year 2004 when he died, he had simply led his evidence in chief and was to be cross-examined when he died.

4. The appeal is dismissed.

5. No costs.

CM No.30652/2015

Dismissed as infructuous.

**PRADEEP NANDRAJOG, J.**

**MUKTA GUPTA, J.**

**MARCH 01, 2016**

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