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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 226/2017**

HARINDER KUMAR & ANR Petitioners
Through: Mrs. Kusumlata Sharma , Adv.
Versus

NEERU KUMAR & ORS Respondents
Through: Mr. M.M. Kalra, Adv. for R-1 to4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **13.07.2017**

1. This order is in continuation of yesterday's order.
2. The counsel for the respondents / defendants, in response to the queries made yesterday and recorded in yesterday's order, states that i) there is no plea in the written statement of the respondents / defendants qua the relinquishment deed; ii) resultantly, in the issues as framed, there is no issue qua relinquishment deed; and, iii) that according to the respondents / defendants, the relinquishment deed is of relinquishment of rights in immovable property.
3. Once it is so, the learned trial court in fact did err in taking the relinquishment deed on record. No document which is not relevant for the purpose of issues which are to guide the trial can be taken on record on an application filed belatedly.
4. The counsel for the respondents / defendants then states that he has taken and will be taking appropriate steps in the suit in this regard.

5. If such steps are taken and allowed and whereafter the relinquishment deed can be taken on record, it will be open to the respondents / defendants at that stage to either seek the relief of taking the said relinquishment deed on record or to move a fresh application as the occasion may demand.
6. The petition is thus allowed.
7. The order dated 3rd January, 2017 impugned in this petition allowing the application of the respondents / defendants under Section 151 of the CPC for placing on record the relinquishment deed is set aside.
8. Resultantly, the relinquishment deed though may remain on the record of the trial court shall not be permitted to be treated as on record unless the trial court at subsequent stage by express order takes the same on record.
9. It will also be open to the respondents / defendants to put the said relinquishment deed, if permitted in law, to any of the witnesses of the petitioners / plaintiffs in cross-examination.
10. The petition is disposed of.
No costs.

JULY 13, 2017
'gsr'..

RAJIV SAHAI ENDLAW, J