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

+ CM(M) 1018/2016 and CM Nos. 37276-79/2016

MADAN LAL WADHWA Petitioner

Through Petitioner-in-person.

versus

GURPREET KAUR Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **16.01.2017**

1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to impugn the order dated 26.05.2016 by which the application under Order 14 Rule 4 CPC filed by the petitioner for production of necessary documents was dismissed. In the said application, the petitioner had requested for the evidence of Saranjit Singh and Paramjit Kaur for production of necessary documents.

2. The trial court noted that as per the respondent, Saranjit Singh had already died and a death certificate has been produced. As the matter at the stage of pleadings, it was held that the application is not maintainable and the petitioner would have ample opportunity to cross-examine the witness at the relevant stage.

3. Another application was filed under Order 13 Rule 3 read with Order 6 Rule 4 CPC for rejection of doctored and fraudulent conveyance deed. The

trial court noted that a perusal of the application shows that the petitioner is making allegations of forgery and the issue of forgery can be decided only at the time of final judgment after appreciation of evidence and dismissed the application.

4. The Power of Attorney Holder of the petitioner, namely, Sh. Puneet Wadhwa who is also the son of the petitioner has stressed about the conveyance deed being fraudulently procured by the respondent.

5. In my opinion, the trial court has rightly held that the issue of forgery can be adjudicated upon only after evidence has been completed. In view of the above, the present petition is premature and accordingly, dismissed. All pending applications also stand dismissed.

6. At this stage, the Power of Attorney Holder submits that he seeks to file additional documents and pleadings to further elaborate his allegations about forgery of documents and conspiracy. The petitioner may file appropriate application before the trial court. In case such an application is filed, the trial court may consider the same as per law.

JAYANT NATH, J

JANUARY 16, 2017

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