

\$~20

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

+ CM(M) 1057/2017

MAHESH KUMAR JINDAL Petitioner

Through: Mr. Neeraj Kumar, Adv.

Versus

ARVIND KHOSLA Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **22.09.2017**

CMs No.34722/2017 & CM No.34723/2017 (both for exemption)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

CM(M) 1057/2017

3. This petition under Article 227 of the Constitution of India impugns the proceedings held on 3rd August, 2017 in (E No.146/2012 (New No.25237/2016) of the Court of Additional Rent Controller (ARC) (West), Tis Hazari Courts, Delhi in a petition for eviction under Section 14(1)(e) of the Delhi Rent Control Act, 1958 filed by petitioner) refusing to exhibit a document during the course of the cross-examination by the respondent of the petitioner appearing as PW-3.

4. A perusal of the proceedings of 3rd August, 2017 shows that the counsel for the respondent gave a suggestion to the petitioner appearing as PW-3 that he had filed an application under Section 151 of the Code of Civil Procedure, 1908 (CPC) for bringing certain documents on record i.e.

certified copy of the Sale Deed dated 23rd May, 1972 and that the said application was dismissed by the Court and which suggestion was answered in affirmative by the petitioner appearing as PW-3. The counsel for the petitioner however contended that for the reason of the counsel for respondent having given such suggestion, the Sale Deed should be admitted into evidence at that stage by putting an exhibit mark thereon. The counsel for the respondent objected thereto.

5. The ARC has held that since the application under Section 151 CPC for bringing documents including the Sale Deed on record had been dismissed on 17th January, 2015, the Sale Deed could not be so admitted into evidence.

6. No error is found in the said part of the proceedings of 3rd August, 2017 before the learned ARC.

7. Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 22, 2017

bs..