

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

C.R No. 1932 of 2018
Date of decision : March 22, 2018

Manmohan Singh

..... Petitioner

v.

Amarjit Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Munish Gupta, Advocate
for the petitioner.

Ajay Tewari, J (Oral)

This petition has been filed against the order of the lower appellate Court declining an application under Order 41 Rule 27 of the CPC whereby the petitioner wanted to produce on record rent receipts from 1986 to 2008 and sale tax/VAT returns from 1987 on wards and income tax returns from 2003 onwards.

The Appellate Authority declined the application on the ground that the application itself showed a lack of due diligence because even as per the petitioner the receipts were in his possession and he had given the same to his counsel who had not placed them on record.

Counsel for the petitioner has argued that once the petitioner had handed over the receipts to his counsel, it was enough to prove due diligence.

In my opinion, this argument cannot be accepted. Once it is the case of the petitioner that he specifically handed over the receipts to his counsel, it shows that he knew that they were important documents and, therefore, it was his duty to ask his counsel whether the same had been placed on record or not. I find no fault with the impugned order. Consequently, this revision petition is dismissed being devoid of any merit.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

March 22, 2018

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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No