

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

CR No.5984 of 2019(O&M)

Date of decision: 11.12.2019

Meenakshi and another

.....Petitioners

VERSUS

General Public and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Prashant, petitioner No.2 in person.

REKHA MITTAL, J. (Oral)

Challenge in the present petition has been directed against order dated 30.08.2019 passed by the Additional Civil Judge (Senior Division), Safidon whereby application for exhibiting the documents, which have been marked, has been dismissed by the trial Court.

Petitioner No.2 would argue that the documents to which reference has been made in the application (Annexure P-7) were tendered into evidence along with affidavit of petitioner No.2 tendered by way of examination in chief. It is further submitted that since the original documents were brought before the Court at the time of tendering the affidavit and documents in examination in chief of petitioner No.2, the same should have been marked as exhibits and objection, if any, raised by the contesting party can be decided by the trial Court at an appropriate stage of the proceedings. In support of his contention, he has relied upon

judgment of the Delhi High Court **Coca Cola India Vs. C.P. Malik, 159 (2009) Delhi Law Times 753.**

I have heard the petitioner and perused the paper-book particularly various annexures appended with the petition.

The petitioner has failed to advance any convincing argument that any of the documents to which reference has been made in the application (Annexure P-7) are per se admissible in evidence keeping in view the provisions of the Indian Evidence Act, 1872, therefore, the same are required to be proved in accordance with law. That being so, no error can be found in the order impugned, whereby the trial Court has refused to exhibit the documents which were marked in the statement of petitioner No.2.

In view of what has been discussed hereinbefore, finding no merit, the petition fails and is accordingly dismissed in limine. However, nothing stated hereinbefore shall prejudice right of the petitioners to take recourse to appropriate proceedings for proving the documents, in accordance with law, if so, permitted by the trial Court.

DECEMBER 11, 2019

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no