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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1034/2018 & CM APPL. 35873/2018**

RENU SEHGAL & ORS

..... Petitioners

Through: Mr. S.K. Chaturvedi, Advocate.

versus

KRISHAN KUMAR SEHGAL & ORS

..... Respondents

Through: Mr. Mahesh K. Chaudhary, Advocate
for R-1.
Ms. Vidya, Advocate for R-2 to 4.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **08.01.2019**

Submissions have been made on behalf of either side.

The petitioner assails the impugned order dated 30.07.2018 of the Court of the learned ADJ-13, Central in CS 584/17 assailing the order to the extent that it has not allowed the petitioner arrayed as the defendant no.1 to the suit examined as DW-1 to be re-examined for placing the original documents on record, photocopies of which are stated to have been filed with the affidavit that she had already placed on the record during the course of the trial and also seeks that the said documents be allowed to be exhibited during the course of the testimony of DW-1.

The petition has been vehemently opposed on behalf of the
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respondent nos. 1 to 4 by learned counsel present submitting to the effect that there are deliberate dilatory tactics being deployed by the petitioner which are reflected in the proceedings dated 30.07.2018 and 07.07.2018 of the learned Trial Court and that the prayer thus made by the petitioner taking into account that only a single opportunity had been granted to the petitioner to lead evidence after the petitioner's right to lead evidence had earlier been closed and thereafter re-granted, - be declined.

Inter alia reliance is placed on behalf of the petitioner on the verdict of this Court in “**Suresh Kumar Vs. Baldev Raj**” **1984 RLR 631** to submit that in a case where the petitioner may have been indiscreet in relation to the aspect of production of the original documents, but the photocopies of the said documents were already on the record, it could not be state by any stage of reasoning that there was an attempt to fill up any lacuna in the case and in any event it was a case of rectifying an omission which had been allowed to persist and would not fling any surprise on the opposite side and that the respondent in the circumstances could be compensated by awarding costs and by affording an opportunity to adduce any evidence in rebuttal of so required.

On a consideration of the factum that apparently the documents which the petitioner herein seeks to bring on record through her evidence are original documents of which photocopies had been submitted along with her affidavit in evidence as also indicated vide the impugned order, the petition is allowed to the extent that only

documents that have been filed in the form of photocopies with the affidavit of Smt. Renu Sehgal i.e. the witness examined as DW-1 are allowed to be produced in evidence in accordance with law for their exhibition thereof, on the presence of DW-1, Smt. Renu Sehgal in the witness box on a date to be fixed by the learned Trial Court with only one single opportunity being granted to the petitioner herein for production of the said documents and for her presence for exhibition of the said documents in accordance with law, subject to payment of composite costs of Rs.40,000/- to the respondents.

The respondents are in terms of the verdict of this Court in ***“Suresh Kumar Vs. Baldev Raj”*** (supra) are allowed to lead evidence in rebuttal in relation to the said documents.

The petition is disposed of accordingly.

ANU MALHOTRA, J

JANUARY 08, 2019/NC