

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

-.-

CR-4340-2018 (O&M)

Date of Decision : 08.12.2022

Rupinder Kaur & Others

....Petitioners

VERSUS

M/s Rajshree Steel Pvt. Ltd. Co. & Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vaibhav Sehgal, Advocate for the petitioners.

Mr. Rajiv Kataria, Advocate for respondent No.1.

ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 31.05.2018 whereby on an application filed by the defendant-petitioner Nos.4 to 6 for de-exhibiting the documents (Ex.P43 and Ex.P44), the Trial Court has passed an order holding that the objections regarding the admissibility would be decided at the final stage of the suit after leading of evidence by both the parties.

Learned counsel for the defendant-petitioners would contend that PW-5 Anil Jindal had tendered the documents in evidence and regarding the documents an objection was raised on the ground that the same were insufficiently stamped, late production, non-reliance, beyond pleadings, not existing and qua the mode of proof. Learned counsel has relied upon the judgment of the Supreme Court in the case of **Bipin**

Shantilal Panchal Vs. State of Gujarat & Anr. [2001 (3) SCC 1] to

contend that all other objections regarding the admissibility can be decided at the final stage, however, the objection relating to deficiency of stamp duty of a document has to be decided before proceeding further.

Learned counsel for respondent No.1 has contended that the application filed by the defendant-petitioners was only for de-exhibition of the documents and the order has been passed on the said application. Learned counsel has relied upon the following judgments :

1. Ranjna & Anr. Vs. Rajesh Kumar & Ors. [2018 (4) Law Herald 3231];
2. Smt. Jaswant Kaur Vs. Satish Kumar Aggarwal & Ors. [2016 (4) PLR 632];
3. Sudershan Sewa Trust, Amritsar Vs. M/s Vishnu Processors, Amritsar & Anr. [2018 (4) PLR 587]

to contend that once the document has been exhibited, the same cannot be de-exhibited.

Heard.

In the present case specific objection was taken regarding the document being insufficiently stamped. The Supreme Court in the case of **Bipin Shantilal Panchal** (*supra*) has held as under :

“14. When so recast, the practice which can be a better substitute is this : Whenever an objection is raised during evidence taking stage regarding the admissibility of any material or item of oral evidence the trial court can make a note of such objection and mark the objected document tentatively as an exhibit in

the case (or record the objected part of the oral evidence) subject to such objections to be decided at the last stage in the final judgment. If the court finds at the final stage that the objection so raised is sustainable the judge or magistrate can keep such evidence excluded from consideration. In our view there is no illegality in adopting such a course. (However, we make it clear that if the objection relates to deficiency of stamp duty of a document the court has to decide the objection before proceeding further. For all other objections the procedure suggested above can be followed.)”

There can be no quarrel with the proposition of law as laid down in the judgments of Ranjna (*supra*), Smt. Jaswant Kaur (*supra*) and Sudershan Sewa Trust (*supra*). However, the fact remains that once an objection regarding the document having been insufficiently stamped is taken, as per the law laid down by the Supreme Court the same needs to be decided and cannot be postponed till the time of the final decision and any other objection qua the admissibility of the document can be deferred as held in the case of **Bipin Shantilal Panchal** (*supra*).

In view of the above, the impugned order dated 31.05.2018 cannot be sustained and the same is set aside. The Trial Court is directed to decide the objection qua the admissibility of the documents on the ground that the same are insufficiently stamped. The other grounds regarding the

admissibility of the documents can be decided at the final stage of the suit after the parties have led their evidence.

Disposed off. Pending applications, if any, also stand disposed off.

December 08, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO