

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

104

**CR-5406-2016(O&M)
Date of decision: 14.09.2022**

M/S TNT INDIA PVT LTD

..Petitioner

Versus

M/S NEEL KAMAL ENTERPRISES

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: **Mr. Gaurav Bahl, Advocate, for
Mr. H.P.S.Bhinder, Advocate
for the petitioner.**

**Mr. Aditya Jain, Advocate,
for the respondent.**

ANIL KSHETARPAL, J(Oral)

The defendant in a suit for recovery of damages amounting to Rs.20,00,000/-, assails the correctness of the interlocutory order passed by the trial Court on 23.05.2016 while dismissing the application filed by the petitioner under Order 13 Rule I read with Section 151 CPC.

The representative of the plaintiff while appearing in evidence tendered his affidavit along with certain documents in lieu of examination-in-chief. The aforesaid documents were exhibited by the Court.

The defendant filed an application claiming that the aforesaid documents are beyond the pleadings of the plaintiff. It was further contended that without the leave of the Court the documents could not be produced at the stage of evidence.

It is well known that the rules of procedure are handmaids of justice and these have been provided in order to advance the cause of justice.

In a civil suit, the plaintiff has started leading his evidence. He has produced certain documents while leading the affirmative evidence. The

defendant is

CR-5406-2016(O&M)

-2-

yet to lead evidence. The defendant also has a right to cross-examine the witness. The defendant cannot claim that he has been taken by a surprise. The defendant will have enough opportunity to lead the counter evidence or challenge the correctness of the documents, so produced.

As per Order VI Rule 2 of the Code of Civil Procedure, 1908, the pleadings must be confined concisely to the material facts only. It is specifically provided in the provision that the evidence is not required to be pleaded in the pleadings.

As regards the formal permission, it may be noticed that once the trial court has permitted to the defendant to produce certain document, then the formal permission will be deemed to have been granted.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

September 14, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*