

2024:PHHC:054150

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

CR-1599-2023 (O&M)
Date of decision: 22.04.2024

Pardeep Kumar @ Pardeep Sood

...Petitioner

Versus

Jagdish Raj Sood and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Gagandeep Singh Sirphikhi, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

1. The petitioner before this Court is a judgment debtor. Execution petition filed under Order XXI Rule 32 of the Code of Civil Procedure, 1908 is pending. He has filed an application for striking off the affidavit of witness AW5 Jagdish Rai Sood, who has appeared as witness and for de-exhibiting certain documents. The Executing Court has dismissed the application.
2. Heard the learned counsel representing the petitioner at length and with his able assistance perused the paperbook.
3. Learned counsel representing the petitioner submits that irrelevant evidence cannot be permitted to be led. He submits that under Section 151 CPC, the court should strike off the irrelevant evidence and de-exhibit documents.
4. This Court has considered the submissions made by the learned counsel representing the petitioner.
5. There is no statutory provision requiring the court to strike off or delete the evidence which has already been led. The attention of

the Court has also not been drawn to any provision which requires the court to de-exhibit the documents, which have been produced in any case and marked as exhibits. The position will be different when the court finally decides the matter. At that stage, the court can ignore the irrelevant documentary as well as oral evidence, however, at an interlocutory stage, it would not be appropriate to issue directions to the court to de-exhibit or strike off the oral evidence from the record.

6. Keeping in view the aforesaid facts, no ground to interfere is made out.
7. Hence, dismissed.
8. All the pending miscellaneous applications, if any, are also disposed of.

22.04.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE