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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 3458/2024**

AMARJOT SINGH SETHI & ANR.

.....Petitioners

Through: Mr. Pawanjit Singh Bindra, Sr.
Advocate with Ms. Puja Jakhar,
Mr. Harshit Prakash, Advocates with
petitioner No.1 in person.

versus

SRI GURU TEGH BAHADUR PUBLIC SCHOOL SOCIETY

.....Respondent

Through: Mr. Arun Maitri with Ms. Radhika
Chandrasekhar, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
03.10.2024

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CM APPL. 58294/2024 (early hearing)

1. Heard.
2. With the consent of parties, the date is preponed and matter is taken up today itself for disposal of the main petition.
3. The application stands disposed of.

CM(M) 3458/2024

1. The petitioners have filed a suit for recovery and are insisting for production of certain documents.
2. According to learned counsel for the petitioners, these documents are, in essence, the fulcrum of the defence of the defendant and, therefore, it is all the more important for the defendant Society to have it placed before the learned Trial Court.



3. The case is already at the stage of defendant's evidence.
4. Needless to say, if any party fails to produce the best evidence or the documents which go to the root of the matter and which are in its possession, the Court can always, wherever it is thought to be appropriate, draw adverse inference against any such party for withholding any such best evidence/document.
5. Learned counsel for the petitioner states that in view of the above said observation, he does not press the present petition any further, while reserving his rights and contentions.
6. The petition stands disposed of as not pressed.
7. Needless to reiterate, learned Trial Court would be at liberty to consider the above said fact and also the relevancy of any such document at the stage of final arguments and deal with the same in accordance with law.
8. The next date of 25.11.2024 is cancelled.

MANOJ JAIN, J

OCTOBER 3, 2024
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