

(2013) 08 P&H CK 0225

In the Punjab And Haryana At Chandigarh

Case No : Civil Revision No. 4426 of 2013 (O and M)

Bishan Dass

APPELLANT

Vs

Smt. Shanti Devi

RESPONDENT

Date of Decision : 06-08-2013

Acts Referred:

Citation : (2013) 172 PLR 597

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Advocate : Vaibhav Sehgal, for the Appellant;

Judgement

Rajesh Bindal, J.—The tenant is before this court impugning the order dated 10.5.2013, passed by the Rent Controller, whereby the application filed by the petitioner for de-exhibiting the document (Ex. P2), was dismissed. Learned counsel for the petitioner submitted that the document in question deserves to be de-exhibited for the reason that the amendment sought by the respondent-landlord in the petition seeking to amend the pleading by incorporating that document was dismissed and the order was upheld by this court, hence, the same was not relevant. However, he did not dispute the fact that there is no technical defect as such in the document on the basis of which it could be prima facie opined that the document as such cannot be tendered in evidence. He further submitted that in case the present document is de-exhibited at this stage, it will shorten the litigation.

2. After hearing learned counsel for the petitioner, I do not find any merit in the submissions made. A document, being inadmissible in evidence on account of any technical reason and a document, being produced in evidence allegedly beyond pleadings, are two different aspects. The prayer to de-exhibit a document, which is claimed to be beyond pleadings, cannot be entertained as it is for the court to see at the time of final determination as to whether any evidence has been led by the parties, which is beyond pleadings and the same can or cannot be considered. During trial, any application to de-exhibit a

document, which is claimed to be beyond pleadings, cannot be entertained. In view of my aforesaid discussion, I do not find that any illegality has been committed by the court below in dismissing the application filed by the petitioner. Accordingly, the present petition is dismissed.