
(1998) 01 P&H CK 0016
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 4638 of 1997

Shri Kamal Kapoor

APPELLANT

Vs

Shri N.K. Vij

RESPONDENT

Date of Decision : 22-01-1998

Acts Referred:

Citation : (1998) 2 CivCC 79 : (1998) 119 PLR 111 : (1998) 1 RCR(Civil) 675

Hon'ble Judges : Sat Pal, J

Bench : Single Bench

Advocate : S.S. Sood, for the Appellant; R.C. Setia and Sidarth Swaroop, for the Respondent

Judgement

Sat Pal, J.—I have heard the learned counsel of the petitioner and have perused the impugned order dated 8.9.1997 passed by the Additional Civil Judge (S.D.) Jalandhar. By this order, the learned Additional Civil Judge has rejected the prayer of the petitioner/defendant to put an agreement and the receipt in cross-examination to the plaintiff.

2. Mr. Sood, the learned counsel appearing on behalf of the petitioner submits that the receipt in question is with regard to the payment of rent and as such it is relevant document. He further submits that agreement is also a relevant document and the learned trial Court was not correct in refusing the request of the petitioner in putting these documents for cross-examination, to the plaintiff.

3. After hearing the learned counsel for the parties, I am of the opinion that the agreement cannot be put to the plaintiff in cross-examination. It is not disputed that the petitioner had filed an application for amendment of the written statement for the purpose of incorporating the said agreement in the written statement but that application for amendment was disallowed by the learned trial Court and order passed by the learned trial Court was upheld by this Court in revision petition. Since the agreement has not been allowed to be incorporated in the pleadings, the learned trial Court was correct in not allowing the defendant to

put any question with regard to the alleged agreement. Accordingly the prayer for putting the agreement to the plaintiff in cross-examination is declined. So far as the receipt is concerned, the learned counsel for the petitioner submits that the receipt in question is with regard to the payment of rent which is the subject matter of the suit. In view of this, I am of the opinion that learned trial Court was wrong in not allowing the defendant to put the receipt to the plaintiff in cross-examination.

4. For the reasons recorded herein above, the petition is allowed to the extent indicated herein above and the learned trial Court is directed to allow the petitioner/defendant to put the receipt to the plaintiff in cross-examination on the next date of hearing which is now fixed on 29.1.1998. The learned counsel appearing on behalf of the respondent submits that the plaintiff shall appear in the court on that day for the purpose of cross-examination with regard to receipt. With this order revision petition stands disposed of.