

29.11.2018

Present : Sh.Vikram Kumar and Sh. Ram Kumar, Ld. counsels for plaintiff.

Sh.Sanjay Aggarwal, Ld. counsel for defendants No. 1 & 2.

Sh. Rakesh Chaudhary, Ld. counsel for defendant No. 3

Today the case was fixed for PE whereupon the witness namely Sh. H.W.Madan has appeared and **filed a list of documents**. He has made oral prayer to the court to allow the documents for the purpose of his deposing

Ld. Counsel for the defendants have strongly objected to it stating that plaintiff was well aware of these documents as most of the documents stated in the list are executed between the plaintiff and her husband, who is deposing today and these documents could have been filed at the stage of filing the suit.

It is also contested by the Ld. Counsel for defendants that the present deponent is not the proper person under whose possession these documents are stated hereby.

I have gone through the list of documents

the first document is a seizure memo dt 31.12.2012. The same is to be marked and the contention with regard to this document is allowed in favour of defendants.

With regard to the rest of the documents, the same are allowed in favour of the plaintiff as they are relevant for the decision of the present suit and though there are given at the belated stage, yet by imposing a cost of Rs.5000/- each defendant will suffice the cause.

As regarding the contention of defendant that the

documents are coming from wrong possession, is not tenable as the deponent is husband of the plaintiff.

Now parties are required to tender the affidavit of witness.

(Shivaji Anand)
ADJ-02 (North): Rohini Courts:
Delhi: 29.11.2018

At 12.00 Noon

Sh. H.W.Madan is examined in chief and his cross examination is deferred as copy of documents supplied to the counsel for defendants today itself.

Ld. Counsel for defendants have requested to direct the PW 2 to bring the original of documents presented today for the purpose of cross examination.

Heard. Allowed.

PW 2 is directed to bring the originals on the next date.

Deposition of PW 2 will be considered only after payment of cost.

Put up for **cross examination of PW 2 /payment of cost on 03.04.2019.**

(Shivaji Anand)
ADJ-02 (North): Rohini Courts:
Delhi: 29.11.2018