

## Lalit Mohan Kochhar Vs Satish Mohan Kochhar

**Court:** High Court Of Punjab And Haryana At Chandigarh

**Date of Decision:** Aug. 18, 2011

**Acts Referred:** Constitution of India, 1950 " Article 227

**Hon'ble Judges:** Mehinder Singh Sullar, J

**Bench:** Single Bench

**Final Decision:** Dismissed

### Judgement

Mehinder Singh Sullar, J.

The crux of the facts, which needs a necessary mention for a limited purpose of deciding the core controversy

involved in this revision petition and emanating from the record, is that Lalit Mohan Kochhar-petitioner-plaintiff (for brevity "the plaintiff") filed the

suit for a decree of declaration to the effect that he is owner and in possession, with a consequential relief of permanent injunction, restraining his

brother Satish Mohan Kochhar-respondent-defendant (for short "the defendant"), from dispossessing him from the house in dispute.

2. Having completed the evidence of the plaintiff, the case was slated for evidence of the defendant. The defendant in order to substantiate his

case, filed his affidavit (DW4/A) along with other affidavits of his brothers, besides some other receipts. Counsel for the plaintiff raised certain

objections with regard to the admissibility of documents, which were exhibited subject to the objection on the ground of mode of proof.

3. Again, the plaintiff moved an application to de-exhibit the indicated documents produced by the defendant. The trial Court dismissed the

application, by virtue of impugned order dated 25.05.2011.

4. Aggrieved by the impugned decision of the trial Court, the petitioner-plaintiff preferred the present revision petition, invoking the provisions of

Article 227 of the Constitution of India.

5. After hearing the learned counsel for the petitioner, going through the record with his valuable help and after considering the entire matter deeply,

to my mind, there is no merit in the instant petition in this context.

6. What is not disputed here is that the defendant has produced the documents, which were exhibited by the trial Court, subject to the objection of

the mode of proof. What would be the evidentiary value or admissibility of the documents, will be a moot point to be decided by the trial Court, at

the time of final decision of the case. Be that as it may, but the documents cannot possibly be de-exhibited, at this stage, as urged on behalf of the

petitioner-plaintiff.

7. Moreover, the trial Court has rightly negated the claim of the petitioner-plaintiff in this relevant behalf, by means of impugned order, which in

substance is, as under:

Heard. I am of the considered opinion that the defendant tendered his affidavit Ex.DW4/A along with documents Ex.D-3 to D-22 which are

exhibited subject to objection on the ground of mode of proof. The documents are already objected by the learned counsel for the plaintiff.

Moreover, it is a settled law mere exhibition of documents is not proved and the same has to be proved by the cogent evidence. The plaintiff has

still an opportunity to cross examine the said witness and extract the truth from the same. As such, no ground is made out and the application

stands dismissed. Now to come up on 18.7.2011 for cross of DWs.

8. Meaning thereby, the trial Court has recorded the valid grounds in the impugned order dated 25.05.2011. Such order, containing the valid

reasons, cannot legally be set aside, in exercise of limited revisional jurisdiction of this Court, as contemplated under Article 227 of the Constitution

of India, unless the same is perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned

counsel for the petitioner, so, the impugned order deserves to be and is hereby maintained in the obtaining circumstances of the case.

9. In the light of aforesaid reasons, as there is no merit, therefore, the instant revision petition is hereby dismissed as such.