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

% *Date of Decision: 18th July, 2025*

+ CM(M) 1088/2025
SURESH MALHOTRA

.....Petitioner

Through: Mr. Anil Bhasin, Advocate.

versus

BALLABH SINGH

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a suit which seeks declaration to the effect that judgment and decree dated 20.12.2014 passed in Civil Suit No. 445/2012 be declared *null and void*.
2. After framing of issues, plaintiff himself entered into witness box as PW-1 and his examination-in-chief was recorded by the learned Trial Court on 07.05.2025.
3. The petitioner herein is defendant before the learned Trial Court and his sole grievance is with respect to three documents i.e. Exhibit PW-1/8, Exhibit PW-1/14 and Exhibit PW-1/20. He submits that when said documents were tendered in examination-in-chief, he had taken a specific objection with respect to the mode of proof and also prayed that the document be impounded, being insufficiently stamped.
4. It is submitted that though the objections were duly recorded by the learned Trial Court but the documents have not been impounded.



5. It is in the abovesaid background that the present petition has been filed.

6. However, after hearing arguments for some time, the present petition is disposed of with liberty to the petitioner to move appropriate application in this regard before the learned Trial Court and learned Trial Court is requested to consider any such application, particularly, in view of the objections already recorded in the evidence-sheet and then to further proceed with the matter.

7. However, it is made clear that, even, if the document is to be, eventually, impounded that would not mean that cross-examination should be deferred. Learned counsel for the petitioner also assures that he would not take any adjournment for the purposes of cross-examination of the abovesaid witness.

8. The petition stands disposed of in aforesaid terms.

9. However, it will be entirely upto the learned Trial Court to take appropriate decision, in accordance with law, with respect to the abovesaid proposed application and such application be decided without getting influenced by any observation appearing herein.

(MANOJ JAIN)
JUDGE

JULY 18, 2025/ss/SS