

Sr. No.222
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.1079 of 2014

Date of Decision.13.10.2015

Harcharan Singh and another

.....Petitioners

Versus

Amritsar Improvement Trust, Amritsar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Vikas Bahl, Senior Advocate with
Mr. Arjun Kundra, Advocate and
Ms. Jaspreet Kaur, Advocate,
for the petitioners.

Mr. G.S.Attariwala, Advocate,
for respondent No.1.

Ms. Vandana Malhotra, Addl. A.G.Punjab.

K. KANNAN J. (ORAL)

The revision is against an order rejecting the documents which were received at the stage of rebuttal. The objection taken by the defendants was that the plaintiff was required to prove his title and the claim that if evacuee property was not supported by an evidence but sought to be proved at the stage of rebuttal by reference to property in the vicinity which was shown as evacuee.

This could not be done at the stage of rebuttal. The plaintiffs'

contention was that there were several issues which required the defendants to prove that they were the owners and the documents were being filed only to show that in the plaint their claim cannot be supported.

The documents which are filed are orders passed by the public authorities and the extent of reliance and relevance will surely be matters that the Court will consider at the time of arguments and at the time of delivery of judgments. It cannot be possible for me to assess whether the documents which are brought were required to be established in the affirmative at the commencement of the trial, or their documents relevant only at the stage of rebuttal. I will find no serious prejudice caused to the defendants if the documents are received, for, it is always open for the defendants to elicit that the documents relied on do not refer to the suit property and the manner of treatment for properties in vicinity as evacuee cannot have a bearing to an adjudication regarding the nature of suit property. The rejection of all the documents received already is found to cause a serious prejudice and disable the plaintiff that the benefit of reliance of such documents which he believes to be of relevance. I will set aside the order leaving to the trial Court to allow for the cross-examination of the plaintiff on the documents filed in evidence that the plaintiff was only trying to affirm what was required to be proved in the chief-examination. I will grant also an opportunity to the defendant to give his version on the defendant's side. If the Court believes that the documents and the evidence conform to only the issues which have to be rebutted by the plaintiff, where the burden of

proof was on the defendants, it will close the evidence after completion of the rebuttal evidence and proceed to hear the arguments and dispose of the case.

The order impugned is set aside and the revision petition is ordered in the above terms.

(K. KANNAN)
JUDGE

13.10.2015

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