

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.1318 of 2014 (O&M)

Date of decision: 08.05.2015

Devi Sahai, Proprietor M/s Jai & Sons

... Petitioner

versus

Mrs. Triloch Pathak

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Mandeep Singh Sachdev, Advocate,
for the petitioner.

Mr. Gurminder Singh, Senior Advocate,
with Mr. R.P.S. Bara, Advocate,
for the respondent.

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 ?

K.Kannan, J. (Oral)

1. The attempt to de-exhibit some documents which were exhibited with the affidavit tendered by the party in lieu of chief examination was rejected. The revision petitioner has a grievance that the court is bound to consider the objection regarding the admissibility and the court is not justified in rejecting the plea. The counsel would refer me to Order 18 Rule 4(4) CPC which provides for a procedure to be followed when an objection is taken at the time of production of evidence before a Commissioner.

2. This objection would be meaningless, for, Order 18 Rule 4(4) CPC operates as a fetter for decision only to a Commissioner and not to a court for the obvious reason that the Commissioner is expected to perform only a ministerial act and not a judicial performance of taking a decision of whether a document is admissible or not. We have to come by new practices of not stalling proceedings at the trial when the document is exhibited as evidence. The procedure was laid down by the Supreme Court in **Bipin Shantilal Panchal Versus State of Gujarat and another-2001(3) SCC 1** which principle was applied by this court in the decision in **Dr. S.P. Arora Versus Satbir Singh-2010(5) RCR (Civil) 350**. There are also decisions of the Supreme Court itself that mere exhibition of a document does not dispense with requirement of proof or establishing its relevance at a later point of time. It has been held by the Supreme Court in **Sait Tarajee Khim Chand and others Versus Yelamarti Satyam Satteyya-1972(4) SCC 562** and a still later judgment of Supreme Court in **LIC of India and another Versus Ram Pal Singh Bisen-2010(4) SCC 491** that a document exhibited subject to a challenge could be considered by the court about its admissibility or relevance subsequently and mere exhibition of a document will not take away the right of a party to object to its relevance nor will it relieve the court of its obligation to decide on its relevance if such a point is raised at the time of

arguments. I am informed that cross-examination has already complete and the petitioner will have his objections in turn of his arguments about the admissibility or its relevance and the court shall consider the same.

3. The order is maintained subject to the observations made by this court and the civil revision is dismissed.

(K.KANNAN)
JUDGE

08.05.2015
sanjeev