

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2043 of 2015 (O&M)

Date of Decision.23.03.2015

Jasbir Kumar and another

.....Petitioners

Versus

Kashmiri Lal and others

.....Respondents

Present: Mr. Kawaljyot Singh, Advocate
for the petitioner.

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?

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K. KANNAN J. (ORAL)

C.M. No.5972-CII of 2015

The application for impleadment is dismissed.

The petitioner is at liberty to approach the trial Court itself for any action for impleadment. If he makes out a case, the Court will consider it on its own merit and dispose it of.

C.R. No.2043 of 2015(O&M)

1. The petitioner who filed the suit for specific performance contended that the first defendant was a power of attorney for defendant Nos.2 and 3. There is a reference to the 1st defendant's status as power of attorney for respondent Nos.2 and 3 in the document which the plaintiff has propounded and for which he sought for an enforcement. The written statement denies the agreement as well as the power of attorney.

2. The plaintiff ought to have filed the original power of attorney along with plaint before his side was closed and before the

defendant's side was also closed. The document was sought to be tendered as additional evidence. The Court has found that no explanation was given for non-production of document and why only secondary evidence was given. The counsel says that the original alone was filed and if a document which is more than 30 years old, he is bound to receive it as ancient document under Section 90 of the Indian Evidence Act.

3. Even without serving to the respondent, I dispense with notice to the respondent and I set aside the order and direct the Court to receive the document on payment of costs of ₹ 10,000/-. This extraordinary procedure of disposing of the civil revision even at the stage of the first hearing is made only to ensure that the case is not stalled for any further time and still further delay is not caused. Reparation for any indiscreet act and more particularly on matter of delay would be best secured by imposition of costs and I have directed the costs to be paid by the petitioner to the contesting respondent Nos.1 to 3 or their counsel within a period of three weeks from the date of receipt of copy of this order. If the amount is not paid, the order already passed will stand restored. The document shall be received and the defendant will also have an opportunity to give contra evidence, if he so chooses and may also cross-examine the petitioner regarding the genuineness of the document and on the delay in production of the document.

4. With these observations, the civil revision is disposed of.

(K. KANNAN)
JUDGE

March 23, 2015
Pankaj*