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

C.R. No.2242 of 2015
Date of Decision.31.03.2015

C.R. No.2236 of 2015

Santosh .....Petitioner

Versus

Brij Mohan and another .....Respondents

Present: Dr. Naresh Kaushik, 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)

1. Both the cases are connected and they are being disposed of by a common order. The 2nd defendant in suit is the petitioner before this Court. The application was filed before the trial Court by the plaintiff under Section 151 CPC for production of two documents dated 30.07.1991 and receipt dated 07.04.1992. According to the plaintiff, the document dated 30.07.1991 had been witnessed by the 2nd defendant/petitioner's husband Avtar Singh and the suit is based on contention that the property which was already sold in favour of the plaintiff on 30.07.1991 was again made a subject of sale in favour of the 2nd defendant on 30.10.2011 and the said sale is not valid. The plaintiff's contention is, therefore, that the property sold in favour of the plaintiff by the 1st defendant has been again sold to the 2nd defendant and therefore, the plaintiff's right to the property cannot be

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defeated. The suit is for declaration in relation to the property alleged to have been conveyed to the plaintiff on 30.07.1991.

2. On a previous occasion, the plaintiff had filed an application to summon the 1st defendant vendor to prove the document dated 30.07.1991. The attempt to summon the defendant failed and in a revision brought before this Court in C.R. No.8508 of 2014, this Court declined to make an intervention in favour of the plaintiff. Now the plaintiff has filed an application to receive these documents and the Court has taken note of the fact that these two documents are absolutely relevant for proving what the plaintiff seeks to do in the suit and has allowed in the interest of justice production of the documents of the plaintiff by reopening the case and protected the defendant by allowing the 2nd defendant the benefit of rebuttal after the evidence of the plaintiff was closed with reference to the two documents.

3. I do not think that there could be any prejudice to the defendant against the order passed. The learned counsel appearing on behalf of the petitioner-defendant says that the disposal of the earlier civil revision must be taken as barring the plaintiff. I will not put the earlier order to constitute any such bar, for, the attempt at summoning the defendant is different from the document being produced which is the basis for his suit itself. Even, the argument that the document produced by the plaintiff is totally different from the property which was conveyed in favour of the plaintiff cannot be a matter to be discussed now, for, it will be open to the defendant to contend that her own purchase cannot be assailed and what she has purported to purchase through document dated 30.10.2011 is different from the

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property purchased on 30.07.1991. It will be pre-judging involved in the case by knocking off the plaintiff's right to produce these documents which are the linchpin upon which the plaintiff's case revolves.

4. I do not find any cause for intervention. The order is maintained and the civil revisions are dismissed.

(K. KANNAN)
JUDGE

March 31, 2015
Pankaj*

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