

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 2158 of 2012 (O&M)

Date of decision: 07.04.2015

Zora Singh and another

... Petitioners

versus

Bhagwan Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Abhishek Arora, Advocate for the petitioners.

Mr. Aakash Singla, Advocate for respondent Nos. 1 to 4.

K.Kannan, J.

The petitioner has filed the document purporting to be a copy of the application filed before the *Naib Tehsildar* with the request that the Court order of restraint against the sale must be entered in the revenue records relating to the property in respect of which restraint order was made. The attempt of the 1st defendant was to show that the plaintiff and defendant Nos. 2 and 3 were colluding together which was relevant for a plea taken by the plaintiff that defendant Nos. 2 and 3 were actually supporting the 1st defendant. On the application for reception of the copy of the document alleged to have been secured on payment of charges from the authority, the plaintiff denied that he had submitted any such application and also was complaining that the document was brought at the belated stage when it was not confronted to the plaintiff in the cross-examination.

I would find the document to be surely relevant to consider for the trial Court to bring out the stand of defendant Nos. 2 and 3 as either supporting the plaintiff or the 1st defendant. It is only to this limited extent that the documents could be relied on and I direct the document to be received as evidence of a copy furnished by the public authority certifying it to be true. It shall be open for the plaintiff to cross-examine the defendant who tenders the documents and elicit such aspects as it deems essential. For the only reason that the defendant had

caused delay in not producing the document earlier and had caused needless prolongation of trial of the suit which has been instituted in the year 2002, I direct the petitioner-defendant to pay ₹ 15,000/- as costs to the plaintiff, within a period of two weeks. Trial Court shall ensure that the payment is made before the defendant tenders the documents for evidence. If the defendants' side is already closed, it is ordered to be reopened for the defendant to exhibit the same and after evidence.

With these directions, civil revision petition is disposed of.

07.04.2015

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(K.KANNAN)
JUDGE