

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

Civil Revision No.2294 of 2013

Date of decision:19.05.2015

Laxmi Devi and others

... Petitioners

versus

M/s Aakarshan Estate Private Limited and another Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sanjay Verma, Advocate,
for the petitioners.

Mr. Jainainder Saini, Advocate,
for respondent No.1.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. I dispense with notice to the 2nd respondent and hence, the direction for payment of costs even if not complied with need not deter the revision petition from being heard on merits.

2. In the plaintiff's suit for declaration regarding the property covered through agreement propounded by the defendant, the defendant had pleaded that there was a clause for arbitration and took the dispute for adjudication before the Arbitrator. It was his contention that all the original documents had been filed before the Arbitrator. It would appear that the defendant has not filed all the

documents before the Arbitrator as contended before the civil court. The plaintiff, therefore, wanted an additional issue to be framed that the defendant was guilty of committing fraud on the court by not producing the documents in original before the Arbitrator as stated in the civil suit.

3. Issues are framed only for directing parties on a matter to be adjudicated for which evidence was necessary. If there is a particular conduct exhibited by the defendant, that need not necessarily be brought as a point in issue for consideration. An appropriate inference can be drawn by the court and if the defendant has not produced the original and has not explained the absence of original in court as required under Section 65 of the Evidence Act to give a justification for production of secondary evidence, the court will consider the same in the light of the contentions already given by the defendant. There is no need for an issue to be framed and if the court below has rejected additional issue to be framed, I cannot find any prejudice to the plaintiff to complain in revision. The plaintiff, however, will be competent to make any objection for reception of secondary evidence if the defendant cannot produce the original documents.

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

(K.KANNAN)
JUDGE

19.05.2015
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