

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

Civil Revision No.2927 of 2013 (O&M)

Date of Decision: August 14, 2015

Tirath Ram

.... Petitioner

vs.

Joginder Pal

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Chanderkant Rana and
Mr. Satibir Rathore, Advocates for the petitioner.

None for the respondent.

1. Whether Reporters of Local Newspapers 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?

Kuldip Singh J.(Oral)

None has appeared for the respondent. I have considered the case.

Impugned in the present revision petition is the order dated 27.04.2003 (Annexure P-5) passed by learned Addl. Civil Judge (Sr. Divn.), Mukerian, vide which in proceedings under Order XXI, Rule 32 CPC, the application of the petitioner for additional evidence for permitting the petitioner only to tender the certified copy of the statement of respondent by way of additional evidence, was dismissed.

Briefly stated, the decree holder (the petitioner herein) filed a suit for permanent injunction restraining the defendants/judgment debtor from interfering into the peaceful possession and dispossessing the decree holder except in due

course of law. The decree holder filed the application for additional evidence.

A perusal of the file shows that certain objections were filed and parties were allowed to lead evidence.

The present petitioner-decree holder wanted to produce the copy of the statement of judgment debtor, in which he had admitted the possession of the decree holder over the suit property. For which he filed the said application, which was declined by the lower court vide impugned order.

It was held by the lower court that the counsel for the petitioner-decree holder before the lower court was given enough opportunities to produce the certified copy of the testimony in question and produce the same at the time of cross examination of the judgment debtor but this was not done.

I am of the view that the effect and value of the statement of the J.D. is to be examined at the appropriate stage. However, admittedly permanent injunction was there. There is stated to be breach by the J.D. Therefore, the production of his statement will not be prejudicial to the J.D.

Thus, the present revision is allowed. The impugned order is set aside and the petitioner-decree holder is allowed to produce the copy of the statement of J.D. on the file, subject to costs of ₹500/-

August 14, 2015
sarita

(KULDIP SINGH)
JUDGE