

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.3484 of 2015

Date of decision: 18.12.2015

Ramesh Bhasin and another

.....Petitioners

versus

Deepak Dhar and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sanjay Tangri, Advocate for the petitioners
Mr.N.S.Shekhawat, Advocate for respondent No.1

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)

Impugned in the present revision is the order dated 7.5.2015, passed by the learned Civil Judge, Junior Division, Yamuna Nagar at Jagadhri, vide which an application for additional evidence filed by the plaintiffs/ petitioners to produce copy of the judgment and decree dated 3.6.1970 passed by Shri A.L.Sony, Senior Sub Judge, Shimla in the case tilted as *Roshan Lal v. Lala Bapon Lal and others* was dismissed.

Suffice to say that in the suit filed by the plaintiffs inter-alia, the plaintiffs have challenged the judgment and decree dated 3.6.1970 passed by Senior Sub Judge, Shimla. During arguments, an application was moved to produce the copy of the judgment and decree. The lower Court dismissed the application on the ground that

there is lack of due diligence.

I have heard learned counsel for the parties and have also carefully gone through the file.

The perusal of the record shows that this very judgment was challenged by the plaintiffs. Therefore, at the time of filing of the suit they knew about the judgment and decree and it should have been proved at the appropriate stage when the plaintiffs were leading evidence. However, this was not done. It was only at the stage of arguments, realizing that the judgment and decree impugned in the suit is not on the file, an application was moved. Therefore, I concur with the findings of the lower Court that there is lack of due diligence on the part of the plaintiffs/petitioners.

The next question would arise as to whether the additional evidence should be allowed in the such circumstances? I am of the view that despite lack of due diligence when the document goes to the root of the case and is necessary for the just decision of the case and the opposite party can be compensated in terms of the costs, such additional evidence, particularly, when it is a public document and can be simply tendered in evidence, then it should be allowed to be produced in additional evidence subject to costs. The present certified copy of the judgment and decree can be simply tendered into evidence without any formal proof.

In view of the matter, the revision is allowed. The petitioners are allowed to tender into evidence the certified copy of the judgment and decree dated 3.6.1970, passed by Shri A.L.Sony,

Senior Sub Judge, Shimla in the case tilted as *Roshan Lal v. Lala*

Bipon Lal and others, subject to payment of costs of Rs.10,000/- to the opposite party.

Since case is stated to be old, the lower Court is directed to decide the same till the end of January 2016.

18.12.2015
gk

(Kuldip Singh)
Judge