

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

Civil Revision No.3865 of 2015 (O&M)

Date of decision: 24.07.2015

& Civil Revision No.3866 of 2015 (O&M)

Madan Mohan Lamba (since deceased, through his LR).

... Petitioner

versus

Sudesh Kumar

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

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Present: Ms. Rishma Verma, Advocate,
for the petitioner.

Mr. Deepak Aggarwal, Advocate,
for the respondent.

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. Both the revision petitions are connected and they are disposed of by a common order.
2. The tenant, who filed an application to de-exhibit the documents filed by the landlord, was rejected and the aggrieved tenant is the revision petitioner before this court. Of the two documents, one of them was a compromise brought between the landlord and the tenant where the tenant offered to pay the rent at a

particular amount and that the period of tenancy was for 11 months. Yet another document was unregistered family partition called as “family arrangement” between the members of the landlord's family. In a normal situation, the exhibition of the documents themselves would not be seen to constitute any prejudice to a tenant, for, it is always open for the matter to left to be considered at the time of disposal of the case in the light of the law laid down by the Supreme Court in **Bipin Shantilal Panchal Versus State of Gujarat-2001(3) SCC 1**. The exception given by the Supreme Court is a document which is unstamped and the same will not be permitted to be brought without a decision by the court. The reasons for the judgment is not too far to seek. Section 36 of the Stamp Act states that a document which is received without an objection will not be permitted to be taken later. In other words, a party that does not object to reception of unstamped document forsakes the right to cause an objection regarding the inadmissibility of the documents later.

3. Of the two documents, one is alleged compromise between the landlord and the tenant. The tenant is at liberty to cross-examine him about his genuineness and the mere fact that the document is brought on record and exhibited ought not to be seen as giving any prejudice. I will allow the document to stay as an exhibit. As regards the partition document which is styled as “family arrangement”, the copy of the translation of the document in

vernacular i.e. in Urdu would show that father was bringing about the partition amongst the members of the family. Both parties are unable to vouch for the actual character of the document which is exhibited before the court below. If the document is unstamped, I direct the document to be de-exhibited. If the document is stamped and registered and a copy is filed, the tenant will have the liberty of cross-examination of the witnesses subject to the issue of admissibility and the court will consider the admissibility or otherwise at the time when it delivers the judgment. The order passed already will stand explained in the manner referred to above and the civil revisions are disposed of with the above observations

(K.KANNAN)
JUDGE

24.07.2015
sanjeev