

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

Civil Revision No.4149 of 2015

Date of decision: 06.07.2015

Karan Singh Chopra

... Petitioner

versus

Jiya Lal and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Munish Gupta, Advocate,
for the petitioner.

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. The plaintiff, who has filed a suit for declaration, did not place the original document of allotment and other relevant documents. He has filed only copies and when he sought for permission for additional evidence, the court declined it on the ground that the plaintiff knew about their existence and there was no justification for seeking for additional evidence subsequently when he had not filed the documents in his custody.

2. The court was justified in doing what it did but I will not still fetter the plaintiff's right to produce the documents of what is really an admitted fact of an allotment which was originally made in

favour of defendant. The custody of the original is very relevant in a situation where the plaintiff is trying to set up the case of an assignment of right in his favour by the original allottee for the sheer indiscretion of the plaintiff in not filing the documents earlier and for causing a needless delay for such a process, I impose a cost of ₹10,000/- on the plaintiff-petitioner which shall be paid to the contesting respondent within a period of 2 weeks. If such payment is made, the order already passed shall stand set aside and the trial will proceed in accordance with law. If the amount is not paid as directed, the opportunity granted will be taken as having lapsed.

3. Having regard to the nature of order passed and to ensure that there is no further delay by a mere technical obstruction, I dispense with notice to the respondents and proceed to pass an order. The respondents are at liberty to approach this court for any modification if there is any willful suppression of fact that has prevailed to allow for the order in the manner that has been done now.

4. Civil revision stands disposed of on the above terms.

(K.KANNAN)
JUDGE

06.07.2015
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