

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 4593 of 2011

Date of Decision: July 13, 2015

Megh Raj and others

.....Petitioners

Vs.

Joginder Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Rakesh Chopra, Advocate
for the petitioners.

Mr. Hardeep Singh, Advocate.

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M.M.S. BEDI, J. (ORAL)

This is defendants' revision petition against the order dated May 14, 2011 dismissing the application of the defendants for amendment to incorporate a plea in a suit for specific performance filed by plaintiff-respondent No.1 Joginder Singh, seeking to incorporate subsequent events regarding the auction proceedings dated September 17, 1998 and order dated October 12, 2009 passed by the High Court setting aside the auction proceedings of the sale of the land which forms part of the subject matter of the suit property. The amendment had been sought to incorporate the above

said subsequent events at appellate stage in an appeal filed by the defendant-petitioners.

Learned counsel for the defendant- petitioners (appellant before the lower Appellate Court) has vehemently contended that the subsequent events sought to be incorporated by way of amendment are necessary for the just decision of the case and that a serious prejudice would be caused to the defendants in case the amendment is not allowed and the impugned order is not set aside.

I have heard learned counsel for the petitioner and gone through the nature of the controversy between the defendants and plaintiff-respondent no.1. The suit of plaintiff- respondent No.1 for specific performance has been decreed by the trial Court. In appeal filed by the defendants certain subsequent events pertaining to the property in dispute are sought to be incorporated. The subsequent events have been noticed by the lower Appellate Court observing that the said orders will always be taken into consideration and that these cannot be ignored. Safeguarding the rights of the defendant- petitioners, the application for amendment has been declined vide impugned order.

On asking of the Court, learned counsel for the defendant-petitioners submits that the defendant- petitioners do not want to lead any oral evidence in case amendment is allowed. Their intention is only to place on record the certified copies of the orders passed by the authorities which are per se admissible in evidence and that they also undertake that no

opportunity will be sought for, for producing the evidence beyond the right to tender the certified copies of the orders and the pleadings of litigation inter se the parties.

I have considered the said contention and I am of the opinion that the documents which are certified copies of the orders of the Court or quasi –judicial authorities are per se admissible and can be permitted to be taken on record. The pleadings do not fall under said category and can be taken on record only if these are admitted documents by the opposite party.

In view of the said circumstances, it is ordered that the application of the defendant- petitioners for amendment of written statement to incorporate the above said pleas would be allowed by the lower Appellate Court giving an opportunity to plaintiff- respondent No.1 to file any replication if so desired. The defendants will abide by the undertaking given before the Court to restrict the production of evidence by tendering documents which are per se admissible in law or the documents not disputed by plaintiff- respondent No.1. The lower Appellate Court will not permit the production of any other evidence. The entire process of permitting the written statement to be taken on record, filing of replication and production of documents by the petitioners and rebuttal documents, if any, will be completed within a period of not beyond three months. The appeal will be decided with a total period of six months henceforth.

Allowed in the aforesaid terms.

July 13, 2015
sanjay

(M.M.S.BEDI)
JUDGE