

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.4600 of 2015

Date of Decision.23.07.2015

Sardara Singh

.....Petitioner

Versus

Wazir Singh

.....Respondent

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Alok Mittal, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. The Court below while dismissing an application of the defendant to tender in evidence copy of jamabandi has observed that there could be no evidence brought contrary to the pleadings. The reading of the order would show that the defendant has not denied his ownership with reference to the suit property and he cannot be permitted to bring any document to say that he is not the owner of such property. I find that there is a reference that the defendant has raised an objection. The counsel says that it should be read as he has not raised any objection. From the reading of the written statement, I would understand that the absence of expression 'not' is inadvertent.
2. I will not find any error in the order passed by a Judge not allowing a person to bring a documentary evidence in respect of matter which the pleading does not support. However, he is aggrieved that the

order makes it appear as though that the defendant has agreed to sell the property to the plaintiff and the assertion of oral agreement is conceded by the defendant. I cannot find such a meaning out of the order but if that is the apprehension, I clarify that nothing in this order shall be taken as constituting any admission of the defendant by an alleged oral agreement pleaded by the plaintiff. It would require to be proved by the plaintiff and taken as contentious issue by the defendant and the trial Court will also treat it as such.

3. With these observations, the civil revision is disposed of.

(K. KANNAN)
JUDGE

July 23, 2015
Pankaj*