

**Sr. No.228
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR No.4585 of 2014
Date of Decision.19.10.2015**

Rajpal

.....Petitioner

Versus

HUDA and others

.....Respondents

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?

Present: Mr. A.K.Garg, Advocate,
for the petitioner.

Mr. Shashi Kumar Yadav, Advocate,
for respondent No.2.

K. KANNAN J. (ORAL)

The revision petition is against an order closing the evidence and not allowing for sufficient opportunities for summoning records from officials.

I asked the counsel about the nature of documents which he wanted to summon. According to him, the defendants are claiming the property to have been purchased from the plaintiff's predecessor and, therefore, the plaintiff was seeking for direction to summon the register from the Registrar's office relating to the so called sale. I find that the exercise to be wholly unnecessary. If there is a sale by predecessor, the sale will have to be proved only by the defendant and the sale being a public document entered in book I

under the Registration Act and Rules, any person will be able to apply for a copy of such a registered document. If the plaintiff believes that there is no such sale at all, the best method of such proof is to apply for a copy before the Registering Officer and if there is an endorsement of return that there was no such document registered, he can call the bluff of the defendant and show that there had been no such sale. There is no need for over doing an act by trying to secure any official from the Registrar's office.

Counsel also has an argument that the entry standing in the name of the predecessor is stated to be forged and fabricated. Counsel says that he has already filed the certified copies of revenue entries at the time of trial. Section 74 of the Evidence Act defines what is public document and Section 76 obligates the public Officer to furnish the certified copies of public documents. Acts or records of the Act of public officer in any part of India qualifies as a public document under Section 74 (1) (ii) and (iii) and Section 76 states that every public officer having been the custody of such public document shall issue a certified copy with a certificate at the photocopy that it is the true copy. Section 77 of the Evidence Act states that such certified copies may be produced in proof of the contents of public documents. The mere production by the party who applies for it, is sufficient and no further proof is necessary by examining any public officer.

The plaintiff was literally over doing his act and was attempting to look for a procedure which was unnecessary. I do not think any prejudice could be caused by the Court closing his

evidence. The trial shall be taken up in right earnest from the place where it is left.

Revision petition is dismissed.

19.10.2015

vandana

**(K. KANNAN)
JUDGE**