

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

**CR No.5236 of 2015 (O&M)
Date of decision: 17.08.2015**

Baljinder Singh and another ... Petitioners

Vs.

Guravtar Singh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Ashish Gupta, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

Challenge in the present petition is to the impugned order dated 11.05.2015, Annexure P-3, whereby, the application filed by the respondent-plaintiff for tendering the original agreement to sell dated 08.11.2008, at the fag end of the suit, has been allowed.

Mr. Ashish Gupta, learned counsel appearing on behalf of the petitioners submits that the respondent-plaintiff has not examined the witnesses to the agreement to sell and even photocopy of the same has not been exhibited, much less, proved on record, therefore, the impugned order allowing the application could not have been passed in the manner as it has been done, therefore, trial Court has committed illegality and perversity, in not taking into consideration the provisions of Indian Evidence Act, 1872. He further

submits that though the document has not been exhibited, it's mere exhibition would not dispense with its proof, despite the fact that the petitioner-defendants had filed a suit prior to the suit in hand for cancellation of the agreement.

I have heard learned counsel for the petitioner and appraised the paper book.

In view of the ratio decidendi culled out in the judgment of Hon'ble the Supreme Court in **Sait Tarajee Khimchand and others vs. Yelamarti Satyam and others 1971 AIR (SC) 1865** and various other judgments on this point, I dispose of the present civil revision petition by modifying the impugned order qua tendering of the document by directing that its exhibition shall be treated to be objected to, in essence, it shall be kept open and decided at the time of decision of the suit.

Disposed of.

(AMIT RAWAL)
JUDGE

August 17, 2015
savita