

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

CR No. 5785 of 2014 (O&M)
Date of decision: April 28, 2015

Ram Bhagat

...Petitioner

Versus

Dharm Pal and another

...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. RS Sangwan, Advocate,
for the petitioner.

Mr. Manoj Tanwar, Advocate,
for the respondents.

K. KANNAN, J. (Oral)

1. The documents which were filed by the petitioner after his side was closed was an affidavit which the present plaintiff had given in support of the defendant's evidence in his own suit against the Electricity Board. In that affidavit, the plaintiff is purported to have made a reference to the fact that the electricity connection stood in the name of the defendant and that he had about 16 acres of land irrigated with this connection. The statement of the plaintiff in a previous proceedings under an affidavit on oath is surely relevant and if the defendant was bringing the same after closure of his evidence, the court should have taken the documents and could have mulcted defendant with costs for delay in production. I will not find this to be irrelevant to be thrown out as the court below has done. The impugned

order is set aside and the affidavit of the plaintiff as well as the judgment which was obtained by the defendant against the Electricity Board, though not binding on the plaintiff, are surely relevant as the transaction where a right was asserted, in terms of Section 8 of the Evidence Act, are directed to be received and exhibited. For the delay caused by the defendant to the trial, the defendant/petitioner shall bear costs of Rs. 10,000/- to be paid to the plaintiff within a period of two weeks from the date of receipt of the court of the order. The court shall ensure that the costs are paid before the documents are exhibited as evidence.

2. The revision petition is allowed on the above terms.

April 28, 2015
prem

(K.KANNAN)
JUDGE