

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

CR No.654 of 2015

Date of decision: January 28, 2015.

Hazara Singh

... **Petitioner**

v.

Jarnail Singh etc.

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON**

Present: Shri R.S. Sekhon, Advocate, for the petitioner.

Dr. Bharat Bhushan Parsoon, J. (Oral):

At the stage of conclusion of the suit, an application was filed by the plaintiff for amendment of the plaint which was dismissed on 20.1.2015 by the learned lower court. This order is under challenge in this revision petition.

2. At this stage, reference may be made to Rule 14 of Order VII CPC, which, for ready reference, is reproduced as below:-

“14. **Production of document on which plaintiff sues or relies** (1) Where a plaintiff sues upon a document or relies upon a document in his possession or power in support of his claim, he shall enter such documents in a list, and shall produce it in court when the plaint is presented by him and shall, at the same time deliver the document and a copy thereof, to be filed with the plaint.

(2) Where any such document is not in the possession or power of the plaintiff, he shall wherever possible, state in whose possession or power it is.

(3) A document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

(4) Nothing in this rule shall apply to document produced for the cross examination of the plaintiff's witnesses, or, handed over to a witness merely to refresh his memory."

3. The plaintiff was required to produce the documents supporting his averments in the plaint along with the plaint. Agreement to sell dated 19.1.1980 is the basic document on which the entire suit of the plaintiff is based. Neither this agreement to sell nor copies of sale deeds dated 29.1.1980 and 6.12.1976 were produced with the plaint. An endeavour was made to produce these documents by leading additional evidence at the stage when the suit was fixed for final arguments.

4. The learned lower court was right in also observing that all these documents were well within the knowledge and of possession of the plaintiff and should have been produced with the plaint.

5. It is also noteworthy that evidence by the plaintiff was concluded by suffering a statement to this effect on his own volition. At this stage of the suit, allowing of application for additional evidence would mean re-opening of the entire case.

6. There is no merit in the revision petition. It is consequently dismissed.

[Dr. Bharat Bhushan Parsoon]
Judge

January 28, 2015.
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1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*