

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

CR No.6840 of 2015

Date of Decision: October 14, 2015

Vedpal

.... Petitioner

vs.

Dhoom Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Satbir Rathore, Advocate for the petitioner.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 01.10.2015 (Annexure P-5) passed by learned Civil Judge (Jr. Divn.), Panchkula, whereby the application for additional evidence filed by the petitioner-defendant was dismissed.

By way of additional evidence, the present petitioner-defendant wanted to produce the following documents:

1. Certified copy of the report of the Local Commissioner including certified copy of the rough site plan along with the certified copy of memo of presence of parties, which is a part of the record of civil suit No.242 of 2014 titled as "Ved Pal vs Teg Singh" pending in the court of Civil Judge (Jr. Divn.), Panchkula.
2. Certified copy of sale deed No.179, dated 10.06.2008 executed by Teg Singh in favour of Smt. Ratni and Smt. Bala Devi wife of Dhoom Singh.

3. Attested copy of jamabandi for the year 2013-14 of village Kakrali.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

It comes out that the additional evidence was disallowed on the ground that the application has been filed to fill up the lacuna in the case when the case is fixed for rebuttal evidence for the past two hearing.

The lower court has also found that the copy of the jamabandi and copy of the order in another case between the same parties could have been produced at the appropriate stage. It was further held that the certified copy of sale deed is not necessary for the just decision of the case.

I am of the view that the report of the Local Commissioner and the copy of the site plan cannot be simply tendered. For this purpose, the Local Commissioner has to be examined and the opposite party has to be given opportunity to cross-examine him. Similarly, the sale deed has also to be proved in accordance with law. Therefore, these documents cannot be tendered simply. Thus, the request made by the petitioner-defendant for simply producing the said documents was rightly declined by the lower court without further examining the matter.

So far as the copy of jamabandi for the year 2013-14 is concerned, the same is *per se* admissible.

In these circumstances, the petitioner is allowed to tender the copy of jamabandi for year 2013-14 only, subject to payment of costs of ₹1,000/- to the opposite party.

The present revision petition is, accordingly, partly allowed.

October 14, 2015
sarita

(KULDIP SINGH)
JUDGE