

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.7006 of 2015

Date of decision: 19.10.2015

Sushil Kumar Jain and others

.....Petitioners

versus

Pawan Kumar Jain and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Saurabh Dalal, Advocate for the petitioners

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 is the order dated 29.9.2015, passed by the learned Civil Judge, Junior Division, Rohtak, vide which, application of the petitioners/ defendants, for leading additional evidence was dismissed.

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

Learned counsel for the petitioners claims that vide order dated 20.8.2015, oral evidence of the petitioners/ defendants was closed by order. However, they were given liberty to produce the documents on the next date of hearing. On the next date of hearing, the defendant/ applicant was suffering from high fever and could not attend the Court. Therefore, the documentary evidence could not be

produced. Case is now fixed for rebuttal evidence, if any and for arguments.

A perusal of the list of documents shows that the petitioners want to produce certified copy of the partnership deed and dissolution deed of M/s Jainsons Fashion Wear, at Ferozepur Cantt, certified copy of payment by cheque to Pawan and Renu and letter of appointment as sales man of Vinay Jain. All these three documents are required to be proved by leading evidence. The prayer is only for leading additional documentary evidence. Therefore, above noted documents cannot be simply produced. As such, the prayer of the petitioners to produce the aforesaid documents was rightly declined. However, the petitioners also want to produce copy of the judgment and decree passed in Civil Suit titled as *Pawan Kumar Jain v. Sushil Kumar Jain* on 11.7.2014 and also want to produce statement of Pawan Kumar Jain made before the police officials. Since the statement of Pawan Kumar Jain was not put to him when he was examined as PW, therefore, the same also cannot be allowed to be simply produce as documentary evidence. Now only copy of the judgment and decree is left, which can be simply tendered.

Accordingly, in the interest of justice, the revision is partly allowed and the judgment and decree dated 11.7.2014, mentioned above, are allowed to be tendered as evidence subject to costs of Rs.1,000/-, to be paid to the opposite party.

19.10.2015
gk

(Kuldip Singh)
Judge