

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

**CR No.6982 of 2014**

**Date of decision: 03.12.2015**

Mohinder Singh and others

... Petitioners

Vs.

Satinder 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:- Ms. Sonia G. Singh, Advocate  
for the petitioners.

**AMIT RAWAL J. (Oral)**

Petitioner-defendants No.8 to 10 are aggrieved of the order dated 17.09.2014 (Annexure P-3), whereby, their application for leading additional evidence, has been declined.

Ms. Sonia G. Singh, learned counsel for the petitioner submits that parties to the suit belong to one family and are LRs of deceased Gurdeep Kaur and they were allowed to be impleaded as defendants as their application under Order 1 Rule 10 CPC was allowed. They had purchased the agriculture land measuring 7 kanals 14 marlas out of total land measuring 8 kanals 11 marla vide sale deed dated 19.06.1970 and since then they are in cultivating possession of the said land. Copy of the sale deed was produced

through the testimony of DW2-Satish Kumar, Registry Clerk. Objections were raised on behalf of the plaintiff that the said sale deed has not been proved as per law, as the attesting witnesses have not been examined, therefore, necessity arose to examine the family members/LRs of attesting witness namely Jarnail Singh and Bhupender Singh, Numberdar, in Court. The petitioners sought to examine Devinder Singh, LRs of attesting witness namely Bhupender Singh, Numberdar and Amrik Singh son of Jarnail Singh as witnesses to prove the said sale deed, failing which, petitioners would not be able to prove the defence taken in the written statement.

The aforementioned application has been contested by the plaintiff on the ground that the application has been moved at a belated stage and the trial Court has declined the same on the ground that provisions of Order 18 Rule 17-A of the CPC have been deleted from the provisions of the CPC, therefore, party cannot be permitted to lead additional evidence.

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

Since the petitioners have been impleaded subsequently, though they have examined the witnesses from the office of Sub Registrar, but the fact remains that sale deed cannot be said to be proved until and unless the witnesses of the same are examined. Gurdip Kaur has died and her LRs have to be examined who have

appeared and proved the sale deed by acknowledging the signatures of the deceased. In my view, the Court below has failed to notice the aforementioned facts. The legal right of a party cannot be taken aback as the matter, was listed for the defendants' evidence and the petitioners could not be non-suited on this ground. The Court while exercising its inherent power, can grant the relief, as has been sought, keeping in view the peculiar facts and circumstances of the case. The present case is one which falling in such category, accordingly, the application for leading additional evidence needs to be allowed.

Accordingly, the application seeking additional evidence is allowed and the impugned order is set aside and the revision petition is allowed.

**(AMIT RAWAL)**  
**JUDGE**

**December 03, 2015**  
savita