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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.7314 of 2015
Date of Decision: 02.11.2015

MUNICIPAL COUNCIL KAPURTHALA

.....Petitioner

Vs

CHAMAN LAL & ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

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?*

RAJ MOHAN SINGH, J.(Oral)

[1]. This revision petition is directed against the order dated 23.09.2015 (Annexure P-6) passed by Civil Judge (Jr. Divn.) Kapurthala, whereby application for de-exhibiting of documents has been dismissed.

[2]. Learned counsel for the petitioner states that the documents have been exhibited at the back of the defendant when his counsel was busy in some other case.

[3]. In the order itself presence of the learned counsel for the defendant has been marked. Had the learned counsel been not present, the only course open before the trial Court was to proceed against him *ex parte* without exhibiting the document in question.

Since the document has been exhibited, it implies that the learned counsel for the defendant was very much present in the Court.

[4]. Above all mere exhibition of document does not dispense with the proof of its execution. The veracity and genuineness of the documents has to be tested at the relevant stage.

[5]. Learned counsel for the petitioner cites **Johny vs. James, 2006(3) Civil Court Cases, 665 (Kerala)**. The cited case relates to admission of documents in evidence in terms of Order 13 Rule 4 CPC which mandates that mere procedural irregularity in marking a document during trial is not fatal to the case. Since at this stage mere exhibition of document cannot be perceived to be a ground in proving due execution of the same, therefore, the cited precedent operates on its own facts.

[5]. Having considered the facts on record, this Court does not feel like to intervene at this stage, when the presence of learned counsel for the petitioner is duly recorded in the order at the time of exhibition of document.

[6]. In view of above, no ground to interfere in the impugned order is made out, consequently the petition stands dismissed.

November 02, 2015

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**(RAJ MOHAN SINGH)
JUDGE**