

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

**CR No.8072 of 2015.**

**Date of Decision: 01.12.2015.**

Mohd. Shakil

....Petitioner.

**VERSUS**

Bir Singh and others

....Respondents.

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**CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.**

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**Present:** Mr. Aditya Jain, Advocate for the petitioner.

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**SNEH PRASHAR, J.**

This is a petition under Article 227 of Constitution of India for setting aside the order dated 18.11.2015 passed by learned Civil Judge (Junior Division), Faridabad, vide which the application under Section 151 of the Code of Civil Procedure (for short, “the Code”) filed by respondents-defendants No.3 and 4 seeking permission to place on record order 27.12.2007 of Joint Commissioner (F), Municipal Council, Faridabad and house tax receipts by way of additional evidence, was allowed.

The facts as they emerge from the record are that in a suit for permanent injunction, respondents No.3 and 4 filed an application under Section 151 of the Code inter-alia praying for placing on record order dated 27.12.2007 of Joint Commissioner (F), Municipal Council, Faridabad (for

short, "M.C.F.") alongwith other documents by way of additional evidence. All other documents were found to have already been tendered in evidence by the parties and only the order/report of the Joint Commissioner (F) and certified copies of house tax receipts for the period 2000 onwards had not been produced. By way of impugned order, learned trial Court allowed the application of respondents No.3 and 4 subject to deposit of costs of Rs.1000/- with District Legal Services Authority, Faridabad.

Aggrieved by the order, the instant revision petition has been filed.

The submissions of learned counsel representing the petitioner have been considered.

Learned counsel for the petitioner submitted that the case had almost reached its fag end when the application for producing documents in evidence was filed by respondents No.3 and 4. Their only intention was to delay the proceedings as it was not their plea that the documents they intended to tender in evidence by way of additional evidence were not in their knowledge and despite due diligence they had not been able to produce the same at the appropriate stage. Learned counsel contended that the petitioner-plaintiff is in occupation of the shop in dispute as a tenant under respondents No.1 and 2 and respondents No.3 and 4 in collusion with the said respondents intend to dispossess him illegally and forcibly using all means.

The report of Joint Commissioner (F), M.C.F. and house tax receipts are public documents and cannot be fabricated at this stage. The

trial may be nearinh conclusion but the fact remains that the prayer of a party to produce the documents which are important and necessary for proper and complete adjudication of the matter, should not be declined. The petitioner will get an opportunity to rebut the documents produced by way of additional evidence. As far as the contention of the petitioner that he is in possession of the shop as a tenant is concerned, that is the prime issue between the parties which will be decided by the trial Court on the basis of the evidence adduced by the parties at the time of decision of the case on merits.

The application of respondents No.3 and 4 had been allowed subject to payment of costs and only one opportunity for producing the additional evidence has been granted. Finding no illegality or perversity in the order of learned trial Court calling for intervention, the petition is dismissed.

**(SNEH PRASHAR)**  
**JUDGE**

**01.12.2015.**  
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