

Civil Revision No. 2675 of 2016
Date of Decision: 18.5.2016

Sharam Singh

---Petitioner

versus

Swaranjit Kaur Bajwa and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Ms. Himani Kapila, Advocate
for the petitioner

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present petition has been directed against order dated 26.2.2016 (Annexure P-2) passed by the trial court dismissing application of the petitioner filed under Section 151 of the Code of Civil Procedure (for short "CPC") for tendering into evidence certain documents by way of additional evidence.

As per the application filed by the petitioner/plaintiff, a prayer for tendering into evidence jamabandi for the year 2007-08, khasra girdawari for the year 2012-13 and certified copies of the sale deeds dated 7.11.1958 and 13.12.1955 was made with the plea that the documents are necessary and essential.

The application was disposed of with the observation that certified copies of the jamabandi for the year 2007-08 and khasra

girdawari for the year 2012-13 have already been marked as Exhibits P.1 and P.2 respectively. It has further been held that the plaintiffs have submitted certified copies of the sale deeds dated 7.11.1958 and 13.12.1955 but there is not even a whisper as to how these sale deeds are related to the instant suit.

In the revision petition preferred by one of the plaintiffs, in sub para 2 of para 6, it has been pleaded that for proving the case of the plaintiffs/petitioner, it is very much necessary to tender material documents which are wrongly declined by the trial court. It has further been averred that the petitioner wants to place on record copies of the sale deeds dated 7.11.1958 and 13.12.1955. Despite the petitioner knowing that his prayer for tendering certified copies of the sale deeds has been declined by the trial court with the observation that these documents are not related to the instant suit, nothing has been explained as to how these documents are relevant and necessary for complete and effective adjudication of the matter in controversy or failure to produce these documents would cause prejudice to the rights of the petitioner/plaintiff. This apart, counsel for the petitioner is not in a position to say something much less convincing to counter the observations made by the trial court.

For the foregoing reasons, finding no merit, the petition fails and is accordingly dismissed.

(Rekha Mittal)
Judge

18.5.2016
PARAMJIT