

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

CR No. 2890 of 2015 (O&M)

Date of decision: 22.01.2016

Chetan Kaur and others

... Petitioners

versus

Phool Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Madan Gupta, Advocate for the petitioners.

Mr. Vivek Goyal, Advocate for respondent Nos. 1 & 2.

K.Kannan, J. (ORAL)

The Appellate court have some additional documents to be produced which were the nature of proceedings and documents in Criminal Court against the husband for alleged murder of his wife. The objection is that these documents ought to have been filed even at the time of trial and there is no justification to produce them at the Appellate Court. The Court had directed the documents to be received, evidence to be given on the next date and rebuttal evidence also to follow thereon. The Court was doing what was appropriate after it had decided to receive the documents by setting quick dates in succession. The contest ought not to be under all circumstances only of whether the documents could have been filed before the trial Court itself. The large

issue of interest of justice can never be lost. The appellants who have lost their daughter and litigating for the property of what they believe that they are entitled to succeed to the exclusion of the husband against whom there were charges of murder ought to be allowed the benefit of documents which surely are beyond doubt as regards authenticity and which will still be relevant for consideration of whether the husband could be excluded or not. The counsel for the petitioner states that the husband was actually acquitted after trial in the criminal Court. That shall be an issue on merits before the Court below.

The order already passed is sustained and the revision petition is dismissed.

(K.KANNAN)
JUDGE

22.01.2016

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