

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3771 of 2016

Date of Decision: 27.05.2015

Joginder Singh

... Petitioner(s)

Versus

Manjit Kaur

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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| 1. | Whether reporters of local newspapers may be allowed to see judgment? | Yes |
| 2 | To be referred to reporters or not? | |
| 3 | Whether the judgment should be reported in the Digest? | Yes |

Present: Mr.S.P.Soi, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Article 227 of the Constitution of India for setting aside order dated 27.4.2016, passed by learned Civil Judge (Junior Division), Nakodar, whereby application, filed by the plaintiff under Section 151 CPC so as to produce the copy of judgment of divorce dated 25.4.2005 by virtue of which marriage, solemnized between Kuldeep Kaur and Torsten Schroder on 19.2.1996, was dissolved and copy of marriage certificate dated 23.2.1996, vide which their marriage was registered by Registrar of Marriage, Thanesar.

Learned counsel for the petitioner, while assailing the said

findings, submitted that documents, which the applicant has sought to

produce on the file relates to the years 2005 & 1996 and the same were in existence much earlier and the same should have been produced on the file when the respondent was given due opportunity to lead evidence. The Court below has not considered this fact while allowing the said application and the same be dismissed.

Having considered the submissions made by learned counsel for the petitioner and appraisal of the record of the case file and impugned order, this Court is of the considered view that application under Section 151 CPC was filed to produce copy of judgment dated 25.4.2005 and copy of marriage certificate dated 23.2.1996 issued by Registrar of Marriage, Thanesar. Respondent had also taken the plea in the application that these documents were not in her possession earlier and as such she could not produce the same when due opportunity was given for leading the evidence. Otherwise, these documents are very material and essential for the just decision of the case and the same be allowed to be produced by way of additional evidence.

Undisputedly, the documents, which the respondent wanted to produce on the file by way of additional evidence, while exercising powers under Section 151 CPC, are most relevant for the just decision of the case because the main suit was filed for declaration by Manjit Kaur, who is wife of Mohinder Singh who died in road accident in Germany on 23.11.2008. Mohinder Singh was having Indian passport and in the passport, he had given the name of his spouse to be Manjit Kaur, who is now plaintiff before the Court below. However, in the revenue record, the name of defendant Joginder Singh appeared in the column of ownership against the name of

Mohinder Singh. Defendant had taken the plea that Kuldeep Kaur, daughter of Inder Singh was writing as wife of Mohinder Singh, whereas Kuldeep Kaur was allegedly married with Torsten Schroder at Kurukshetra, Haryana and the same was registered with Registrar of Marriage, Thanesar on 23.2.1996 and as such both the documents are most relevant for the just decision of the case. More so, these documents are part of the official record. So, such an evidence must come on the file, although the same is being produced at a later stage.

As regard to legal proposition for leading of additional evidence, as per the provisions of Order 18 Rule 1 CPC read with Section 151 PC, the Court below is certainly having inherent powers to allow any evidence at any stage of the case, if the same is relevant for the just decision of the case. Having observed that evidence to be adduced was relevant for the just decision of the case, the Court below has rightly accepted the application and the present petition is without any merit and the same is hereby dismissed.

(Shekher Dhawan)
Judge

May 27, 2016
“DK”