

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

CR No.497 of 2015

Date of decision : 31.03.2016

Manoj and others

...Petitioners

Versus

Nihal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Sanjay Vij, Advocate for the petitioners.

AMIT RAWAL, J. (Oral)

The petitioner-plaintiff is aggrieved of the two impugned orders dated 05.01.2015 and 08.01.2015, whereby he has been denied the right to allow the expert to take the photographs of sale deeds bearing Vasika Nos.8053 and 8054.

Mr. Sanjay Vij, learned counsel appearing on behalf of petitioner submits that sale deeds were in custody of the respondent-defendant and despite having given undertaking he did not produce the same, therefore assistance of the Court was sought to summon the sale deeds from the office of Registrar. The expert appointed by the petitioner was also present in the Court to take photographs of sale deeds but court declined the same on the ground that they availed numerous opportunity and also closed evidence by order. He further submits that in case reasonable opportunity is granted to allow the expert to take photographs and lead

evidence in support of averments, no prejudice would be caused to the respondent.

Respondent Nos.4 and 5 have also been served but there is no representation. Accordingly, I proceed to decide the revision petition.

I am of the view that there is merit in the submission of Mr. Vij, Advocate for the reasons that respondent-defendant despite having given undertaking did not produce the aforementioned sale deeds which necessitated to summon it from the office of Sub-Registrar. At the best, the trial Court ought to have imposed cost in case petitioner had taken numerous adjournments, but should not have taken away his valuable right including the case through the assistance of the expert to take photographs of the sale deeds.

Keeping in view the aforementioned facts and circumstances, impugned orders dated 05.01.2015 and 08.01.2015, are hereby set aside.

Revision petition is allowed.

The petitioner is granted permission to take assistance of the expert for taking photographs of the sale deeds who shall submit his report and thereafter same shall be tendered in accordance with law. Defendant shall be at liberty to cross-examine the same in accordance with law. The trial Court is directed to fix date for the expert to take the photographs and submit his report. In case petitioner intends to examine any other witness, the same shall be also be examined alongwith the photographs of the sale deeds, subject to payment of cost of ₹5000/-.

31.03.2016

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**(AMIT RAWAL)
JUDGE**