

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.6163 of 2016 (O&M)

Date of Decision.19.09.2016

Satgur Singh

.....Petitioner

Vs.

Bhupinder Singh and another

.....Respondents

Present: Mr. Amit Kumar Walia, Advocate
for the petitioner.

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AMIT RAWAL J. (ORAL)

The petitioner defendant is aggrieved of the impugned order whereby objection moved by the respondent-plaintiff qua exhibition of document Ex.D1 had been allowed and held to be inadmissible in evidence being unregistered and unstamped.

The counsel for the petitioner submits when the aforementioned document was tendered in examination-in-chief, the same was objected to and the objection should have been adjudicated upon at the final stage and not in the mode and manner as has been done.

I have heard learned counsel for the petitioner and appraised the paper book. The order under challenge reads thus:-

“Present: Shri Prvin Jain, counsel for plaintiff.

Shri I.P. Garg, Advocate for defendant.

Arguments heard on objection. Whereby, the objection has been taken by document Ex.D1 cannot be exhibited being unstamped and unregistered. As from the perusal of file, it has been transpired that Krishan Lal Goyal. During his evidence has placed on record one document Ex.D1 in which he has sold property mentioned in agreement to sell and moreover a duty has been cast upon public officer.

Accordingly, present objection is allowed and accordingly, this document is exhibiting accordingly objection allowed. Now to come up on 29.08.2016 for cross-examination of DW2 Krishan Lal Goyal.”

*-sd-
(Nirmala Devi)
Civil Judge (Junior Division)
Sunam 18.07.2016”*

In the affidavit filed in examination-in-chief on 08.01.2015, the aforementioned document was objected to on the ground that it was unregistered and unstamped. Once such objection has been taken, in my view, there is no procedure under law to move an application by the plaintiff as the objection could have been considered by the trial Court at the final stage, particularly, when the case is listed for arguments and not in the mode and manner as has been chosen.

In view of the aforementioned, the impugned order is set aside. The objection taken already while exhibiting the aforementioned document shall be considered by the trial Court at the final state. The revision petition stands allowed in the aforementioned terms.

**(AMIT RAWAL)
JUDGE**

September 19, 2016

Pankaj*

Whether reasoned/speaking Yes

Whether reportable No