

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

CR No.7441 of 2015

Date of decision :28.05.2016

Yunis Masih

..... Petitioner

Versus

Lekh Raj and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Rajender Sharma, Advocate
for the petitioner.

Mr. Malkeet Singh, Advocate
for the respondents.

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

DARSHAN SINGH, J. (Oral)

1. The present revision petition has been preferred against the order dated 25.9.2015 passed by the learned civil Judge (Jr. Division) Amritsar, vide which the application moved by the petitioner-defendant no.1 for production and proving of the certified copy of the plaint in the additional evidence, has been dismissed.

2. Learned counsel for the petitioner contended that

plaintiff-respondent no.1 Lekh Raj has filed two suits against the petitioner on similar grounds. He has filed another suit for possession with respect to the land measuring 8 Kanals measuring Khasra no. 21/25 (8-0). The petitioner wants to produce and prove the certified copy of the plaint of that suit to show that the properties involved in both the suits stood redeemed against the one receipt, which is essential for the just decision of the case.

3. On the other hand, Mr. Malkeet Singh, Advocate, learned counsel for the respondent no,1 contended that no plausible explanation has been given in the application as to why this document was not earlier produced. The application has been moved at the belated stage when evidence of both the parties has already closed and the case was fixed at the argument stage. Thus, he contended that the application for additional evidence moved by the petitioner has been rightly dismissed by the learned trial Court.

4. I have duly considered the aforesaid contentions.

5. The petitioner-defendant no.1 only wants to produce the certified copy of the plaint of another suit filed by respondents no.,1 against the plaintiff. No doubt, this application has been moved at the belated stage, but that itself cannot be a ground to decline the request. Moreover, in the grounds of revision, it has been mentioned that during the course of evidence the certified copy of the plaint was

produced on record, but when the counsel for the petitioner was going through the file after the closure of defendant's evidence, it was found that instead of tendering the certified copy of the plaint of the second suit, the certified copy of this very suit was produced. So, that was only an inadvertent mistake on the part of the counsel for the petitioner.

6. As per the case of the petitioner, the properties involved in both the suits were mortgaged with respondent no.2, which were duly redeemed. The plaintiff-respondent no.1 filed both these suits for possession on the ground that he has purchased the mortgage rights. The petitioner want to show that the land involved in both the suits was redeemed by one receipt. Thus, in these circumstances, the production of the certified copy of the plaint of the other suit will certainly assist the Court in arriving at the just conclusion of the case.

7. Thus, keeping in view my aforesaid discussion, the present revision petition is hereby allowed. The impugned order dated 25.09.2015 is hereby set aside. The application filed by the petitioner to lead the additional evidence to produce and prove the certified copy of the plaint of the second suit filed by respondent no.1 against the petitioner is hereby allowed subject to Rs. 5000/- as costs.

28.05.2016

S.khan

(DARSHAN SINGH)
JUDGE