

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 779 of 2016

Date of Decision: 04.02.2016

Gurdeep Singh

... Petitioner(s)

Versus

Gurbaksheesh Singh Bhatti

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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. Abhivadya Sood, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition is challenge to the order dated 8.1.2016, passed by learned Civil Judge (Junior Division), Nabha, whereby the parties were directed to make statement regarding admission and denial of the facts.

Learned counsel for the petitioner submitted that the impugned order is liable to be set aside because the Court below allowed the application merely on the basis of communication of the SMS, whose authenticity and veracity itself is matter of evidence. More so, those messages were being sent by the well-wishers of the respondent and as such order dated 8.1.2016 is liable to be set aside.

Learned counsel for the petitioner placed reliance upon the judgment of Hon'ble the Apex Court in case ***Himani Alloys Limited v. Tata Steel Limited 2011(3) RCR (Civil) 729.***

Having considered the submissions made by learned counsel for the petitioner and the record available on the file, this Court is of the considered view that as per provisions of Order 12 Rule 3A of Code of Civil Procedure, trial Court is duty bound to ask the party to admit or deny any document whenever there is any such stage. Such an order can be passed at any stage of the proceedings. It may be on request of either of the parties or Court may pass an order on its own.

The Court passed order dated 8..1.2016 as per provisions of law. Rather it is the bounden duty of the trial Court to call upon the parties for admission or denial of documents before settlement of issues, so that they may come to know the actual litigation between them and they may be asked to lead evidence on those disputed facts and questions of law only. As such, there is absolutely no illegality in the impugned order and present petition stands dismissed, *in limine*.

(Shekher Dhawan)
Judge

February 4, 2016

"DK"