

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

CR No.3704 of 2015
Date of decision :21.09.2017

Satya Dev Saini

...Petitioner

Versus

Baldev Dogra and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harchand Singh Batth, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (Oral)

Defendant No.1 is in Revision Petition against order dated
14.05.2015.

Plaintiff filed a suit for declaration that the plaintiffs and
defendant Nos.6 and 7 are owners in possession of the disputed land. The
suit was instituted on 18.08.2010. Issues were framed on 13.01.2012.

Plaintiff filed an application for issuance of directions to the
defendant to produce on record the documents relied by them in the written
statement. Aforesaid application was decided by the Court vide order dated
10.09.2012, relevant part of the order reads as under:

*“As per settled law it is incumbent on both
the parties to place on record the document relied upon
by them. Accordingly the defendant is directed to place
on record the documents relied upon him otherwise he
would be precluded from placing on record the same at
a later stage without the prior permission of the court.
Accordingly the present application stands disposed of.*

Now the case is adjourned to 22.11.2012 for entire evidence of the plaintiff being last and final opportunity.”

However, defendant did not produce all the documents.

Thereafter, after a lapse of three years, defendants moved an application for permission to produce certain documents, which were required for cross-examination of the witnesses. Learned trial Court has refused the permission.

As per the procedure laid down in the Code of Civil Procedure, parties are required to produce all the documents while filing pleadings. As per High Court Rules and Orders, list of documents on which reliance is placed on is also required to be produced. In this case, another opportunity was given to the defendant to produce documents while order dated 10.09.2012. Defendant failed to produce the documents when the opportunity was given. Now the case is at the stage of defendant's evidence. The case is pending in the trial Court for almost seven years.

Hence, at this stage the application filed by the defendant-petitioner cannot be allowed.

Accordingly, the revision petition is dismissed.

21.09.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned : Yes
Whether Reportable : No