

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

CR No.6184 of 2016

Date of decision: 24.08.2017

Navdeep

...Petitioner

Versus

Asha Rani and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. M.J.S. Bedi, Advocate,
for the petitioner.

Mr. Deepak Aggarwal, Advocate,
for the respondents.

Ritu Bahri, J.

This petition has been filed against the order dated 16.07.2016 (Annexure P-4) passed by the Civil Judge (Junior Division), Phul, whereby application filed by plaintiff-respondent Nos. 1 and 2 under Order 18 Rule 17 CPC for recalling Navdeep Kumar (DW-2) for his further cross-examination has been allowed. Further prayer has been made for quashing of the order dated 20.08.2016 (Annexure P-7), whereby consequent upon an application moved by the plaintiffs, Navdeep Kumar-petitioner has been directed to produce some documents for the purpose of his cross-examination.

A perusal of the impugned order dated 16.07.2016 (Annexure P-4) shows that evidence of defendant-petitioner was concluded on 14.10.2014 and thereafter, vide order dated 09.07.2015, two additional

issues were re-framed with regard to the adoption deed dated 22.11.1985 and Will dated 25.11.1986 allegedly executed by deceased Ram Lok.

After framing of additional issues, plaintiff-respondent Nos.1 and 2 had got a right to cross-examine Navdeep Kumar (DW_2) with regard to the legality and validity of the aforesaid adoption deed and the Will. Hence, application filed by plaintiff-respondent Nos.1 and 2 under Order 18 Rule 17 CPC for recalling of Navdeep Kumar (DW-2) has rightly been allowed by the trial Court and no ground is made out to interfere in the impugned order dated 16.07.2016 (Annexure P-4). Accordingly, petition qua the impugned order dated 16.07.2016 (Annexure P-4) stands dismissed.

The petitioner has further challenged the order dated 20.08.2016 (Annexure P-7), whereby application (Annexure P-5) filed by plaintiff-respondent Nos.1 and 2 for issuance of direction to Navdeep Kumar (DW-2) to produce some documents/records for the purpose of his cross-examination, has been allowed.

A perusal of application (Annexure P-5) shows that plaintiff-respondent Nos. 1 and 2 sought production of following documents:-

- (i) Birth certificate of Navdeep Kumar.
- (ii) School certificate of 8th and 10 Class as well as college certificates of Navdeep Kumar and Ramandeep Kumar.
- (iii) Voter card of Navdeep Kumar and Ramandep Kumar.
- (iv) Ration Card of Dwarka Dass.
- (v) Death Certificate of Dwarka Dass.
- (vi) Record/Detail of property owned by Dwarka Dass.
- (vii) Record of family pension of Dwarka Dass.
- (viii) Identification card of Navdeep Kumar and Ramandeep

Kumar issued by the college.

(ix)Record of admission of Navdeep Kumar and Ramandeep Kumar in college.

(x)Original Adhaar Card of Navdeep Kumar and Ramandeep Kumar.

(xi)Original sale deed No.5513 dated 25.01.2002 and 5517 dated 25.01.2002 or copies thereof executed in favour of Navdeep Kumar and Ramandeep Kumar before the death of Ram Lok.

(xii)School Admission record of children of Navdeep Kumar and Ramandeep Kumar.

(xiii)Bank passbooks of the account maintained by Navdeep Kumar and Ramandeep Kumar.

(xiv)Record/Documents regarding alleged family settlement of Navdeep Kumar with Ram Lok and family settlement of Ramandep Kumar with Ram Lok.

In the plaint (Annexure P-1), plaintiff-respondent Nos. 1 and 2 themselves have sought declaration to that the adoption deed dated 22.11.1985 allegedly executed by Ram Lok son of Ram Lal was illegal, null, void and the result of fraud and the same was liable to be set aside. Therefore, the said documents were in the knowledge of plaintiff-respondent Nos. 1 and 2 right from the inception of the suit. Hence, the prayer of the plaintiffs to direct Navdeep Kumar to bring these documents now on record, is uncalled for at such a belated stage of the trial.

Accordingly, the impugned order dated 20.08.2016 (Annexure P-7) is set aside. However, since, application for recalling of Navdeep Kumar (DW-2) has already been allowed and the revision qua the said order

(Annexure P-4) has been dismissed, the plaintiffs shall be at liberty to put these documents to the witness i.e. Navdeep Kumar (DW-2) during his cross-examination.

Petition stands partly allowed in the above terms.

24.08.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No