

In the High Court of Punjab and Haryana at Chandigarh

CR No. 7379 of 2016

Date of Decision: 17.11.2017

Rajiv Kumar

---Petitioner

versus

Raj Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. R.S.Budhwar, Advocate
for the petitioner**

Rekha Mittal, J.

Respondent Nos. 1 and 2 (contesting respondents) remain unrepresented despite service.

The present petition directs challenge against order dated 15.10.2016 (Annexure P-3) whereby evidence of the petitioner to tender documents has been closed by order of the court.

Counsel for the petitioner has submitted that the petitioner closed oral evidence on 13.10.2016 and the case was adjourned to 15.10.2016 for tendering documents. The trial court closed right of the petitioner to tender documentary evidence namely judgment and decree dated 25.8.1994, compromise and statement suffered by respondent No. 1 dated 25.8.1994 and the judgment and decree dated 8.2.2012 which are necessary for just decision of the controversy involved in the suit. It is further submitted that the documents to be tendered into evidence are a part of court records and the same can be allowed to be tendered into evidence

even by way of additional evidence, therefore, the petitioner may be allowed one opportunity to tender the documents in evidence.

There is no representation on behalf of respondent No. 3 (proforma) who was earlier being represented by Sh. Vijay Saini, Advocate.

Perusal of the materials on record makes it evident that contentions raised by counsel for the petitioner are borne out from the records. Hence, without examining the question of relevance and evidentiary value of the documents sought to be tendered into evidence by getting an opportunity to adduce documentary evidence, the present petition is disposed of. The impugned order is set aside and the petitioner is allowed one opportunity to tender the documents in evidence but it is left open to be decided by the court below if the documents are to be marked as mark(s) or exhibit(s).

(Rekha Mittal)
Judge

17.11.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No