

CR No. 8672 of 2014 (O&M)

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No. 8672 of 2014 (O&M)

Date of decision: 8.5.2017

Raja Ram

...Petitioner

Versus

Pirithi Raj and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. S.P.S. Tinna, Advocate
for the petitioner.

Mr. Peeyush Gagneja, Advocate
for respondent No.1

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition, at the hands of defendant, filed under Article 227 of the Constitution of India, is directed against the order dated 30.9.2014 (Annexure P-3) passed by the learned trial court, whereby application of the plaintiff for leading secondary evidence qua two transfer deeds and family settlement was allowed.

Notice of motion was issued and the learned trial court was directed to proceed with the case except on the issue of secondary evidence on the family settlement.

Heard learned counsel for the parties.

A bare perusal of the impugned order would make it crystal clear that so far as two transfer deeds bearing No. 181 and 185 dated 17.6.2009 and 29.6.2009, respectively, were concerned, defendant-petitioner

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did not raise any objection to the prayer made by the plaintiff for leading secondary evidence qua these two documents. It is also a matter of record that pleaded case of the plaintiff-respondent was that the abovesaid two transfer deeds were based on a family settlement dated 28.4.1999 arrived at between the parties. It was also recorded in the impugned order that certified copies of both the abovesaid transfer deeds were placed on record by the plaintiff. Similarly, photocopy of the family settlement dated 28.4.1999 was placed on record by the plaintiff. Copies of all these three documents were rightly treated to be sufficient by the learned trial court to hold that all these three documents existed between the parties. After appreciating true facts of the case in their correct perspective, the learned trial court passed the impugned order, permitting the plaintiff to lead his secondary evidence qua all the abovesaid three documents, i.e. two transfer deeds and one family settlement deed. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

It is the settled proposition of law that rules of procedure are meant for advancing the cause of justice. Every court of law must make an endeavour to grant reasonable opportunity to both the parties to the litigation to put up their respective best cases before the court. No party to the litigation should be forced to go home with the grievance that it was not granted due opportunity to put up its best case. While proceeding on this principle of law, the learned courts would be achieving twin objects; i) they would be avoiding multiplicity of litigation and ii), the learned courts would be in a much better position to do complete and substantial justice between the parties. It is equally true that while doing complete and substantial

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justice, technicalities must not be allowed to stand in the way of imparting justice. Since the learned trial court has rightly followed the abovesaid principle of law, while passing the impugned order, the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

8.5.2017

AK Sharma

(RAMESHWAR SINGH MALIK)

JUDGE

Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No