

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

Civil Revision No.415 of 2017 (O&M)

Date of decision: May 29, 2018

Avtar Singh and another

...Petitioners

Versus

Santokh Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sapan Dhir, Advocate
for the petitioners.

None for the respondents.

INDERJIT SINGH, J.

Petitioners Avtar Singh and M/s Ranjit Singh Makkar & Co. have filed this revision petition against respondents Santokh Singh and Surjit Singh under Article 226 of the Constitution of India read with Section 151 CPC for setting aside the order dated 09.01.2017 passed by learned Addl. Civil Judge (Senior Division), Samrala, vide which the application filed by plaintiffs-petitioners for placing on record some documents, was partly allowed.

Notice of motion was issued. Today none has appeared to contest the present case on behalf of the respondent.

I have heard learned counsel for the petitioners and have gone through the record.

From the record, I find that during the pendency of the suit,

plaintiffs-petitioners filed an application seeking permission to exhibit jamabandi for the year 2001-02 and for producing certified copy of voter list of defendant No.1 and his family for the year 2012. It is stated in the application that production of these documents has been left due to inadvertence whereas the production of these documents was very necessary for proving on record joint residence of defendant No.1 with his sons. It is stated by learned counsel for the plaintiffs before the Court below that additional evidence is very much necessary for the effective adjudication of the matter in question. On the other hand, learned counsel for the defendants opposed the contentions and submitted that application cannot be allowed at fag end of the case in hand, especially when the plaintiffs were aware of the fact that said documents have not been produced and are important documents and they have closed their evidence of their own and therefore, no additional evidence can be permitted to be adduced.

Learned Addl. Civil Judge (Sr. Divn.) Samrala, vide order dated 09.01.2017 partly accepted the application, subject to costs of ₹500/- and one effective opportunity was granted to exhibit jamabandi for the year 2001-02.

Aggrieved from the above-said order, present revision petition has been filed by the petitioners-plaintiffs.

After perusing the record, especially the impugned order, I find that the impugned order dated 09.01.2017 is correct and no illegality has been committed while partly accepting the application. The plaintiffs are not asking for leading additional evidence to prove the voter list. The plaintiffs are asking for exhibiting the documents i.e. jamabandi and certified copy of voter list. The copy of jamabandi is *per se* admissible

document and it can be tendered into evidence and can be got exhibited but certified copy of the voter list is to be proved by bringing the witness but the petitioners-plaintiffs want to exhibit or in other words, want to prove the certified copy of voter list by simply tendering it into the evidence. As voter list is not *per se* admissible document, therefore, it cannot be exhibited by simply producing on record.

Keeping in view above discussion, I find that no illegality has been committed by learned Court below while passing the impugned order. The impugned order dated 09.01.2017 passed by learned Addl. Civil Judge (Sr. Divn.), Samrala, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

May 29, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No