

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

CR No.4300 of 2017

Date of Decision: 08.02.2018

Smt. Bhagwati Devi

..... Petitioner

Versus

Sandeep Sachdeva

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Lokesh Sinhal, Advocate
for the petitioner.

Mr. Sanjay Vij, Advocate
for the respondent.

KULDIP SINGH J. (ORAL)

Impugned is the present revision petition are orders dated 16.05.2017 (Annexure P-6) as well as order dated 18.05.2017 (Annexure P-10) passed by learned Civil Judge (Junior Division), Gurugram. Vide order dated 16.05.2017 (Annexure P-6), the trial Court had dismissed the application of the plaintiff to exhibit the map which has been submitted by the plaintiff and vide order dated 18.05.2017 (Annexure P-10), trial Court refused the prayer of the plaintiff for permission to sign the map attached with the plaint.

I have heard learned counsel for the parties and have also carefully gone through the record.

I am of the view that plaintiff has examined his attorney to prove the map. The signatures on the map is not a necessary formality.

After recording the evidence, the Court is to decide whether the said map

has been proved in accordance with law and what is the values thereof ? Therefore, signing of the map was not a necessary formality. Accordingly, the application for permission to sign the map at the time of arguments was rightly declined. So far as question of exhibiting the map is concerned, it is contended that during the evidence, the plaintiff could not inadvertently put an exhibit on the map whereas the respondent-defendant had taken the stand that the map was not there on the file and during the course of examination, the plaintiff had admitted that map is not there however, later on it was allegedly traced and attached with the plaint.

A document is taken to be proved, if it is proved in accordance with law even though it is not exhibited and even if a document is wrongly exhibited and is not proved in accordance with law, the trial Court even at the time of judgment, order to de-exhibit the same, therefore, exhibition of map was a mere formality.

In these circumstances, the revision is disposed of with a direction to the trial Court to consider the evidence of the parties at the time of passing of the judgment and record findings whether the said map was duly proved. If it was proved, the exhibit is to be put on the same by the Court and it will read into evidence. However, if it is held that it was not be proved in accordance with law, it will not be exhibited.

The order dated 16.05.2017 (Annexure P-6) accordingly stands modified with a further direction that the observations made in the said order shall not be taken into consideration while complying with the directions of this Court orders. So far as the order dated 18.05.2017 (Annexure P-10) is concerned, there is no illegality or infirmity in the

same and the same is upheld.

The trial Court is directed to hear both the counsel for the parties and disposed of the suit expeditiously.

(KULDIP SINGH)
JUDGE

February 08, 2018
rittu

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