

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

**CR No.4651 of 2017 (O&M)
Date of decision : April 18, 2018**

Davinder Singh and another Petitioners

Versus

Saudagar Singh Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. B.S. Baath, Advocate for
Mr. Rajinder Goyal, Advocate for the petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 31.05.2017 (Annexure P-8) passed by learned Civil Judge (Jr. Divn.), Fatehgarh Sahib, vide which an application filed by the present petitioners-defendants for de-exhibiting the agreement to sell dated 18.09.2008, was dismissed.

Heard.

It comes out that during the pendency of the suit, the plaintiff tendered his affidavit and exhibited the agreement to sell dated 18.09.2008. After nearly two years, an application was filed by the defendants to de-exhibit the document, which was dismissed.

I am of the view that merely exhibiting or marking of the document does not makes it admissible in evidence. The Court is always at liberty to see at the time of final disposal whether the document was proved in accordance with law and could be exhibited or not. The Court always has

the power to de-exhibit the document, if it is found that it was not properly proved or exhibited or exhibit document, which has been wrongly marked but proved in accordance with law. Therefore, it is left to the trial Court to form an opinion at the time of final disposal as to whether the agreement was proved in accordance with law and the present petitioner is allowed to raise such plea at the time of arguments, which shall be discussed and decided by the trial Court. Therefore, there is no ground to interfere in the impugned order.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

April 18, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No