

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

224

CR No.5365 of 2016 (O & M)
Date of Decision:14.03.2018

Ram Piari and another

...Petitioners

Versus

Hari Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vijay Lath, Advocate
for the petitioners.

Ms. Rajni Maurya, Advocate for
Mr. Naveen Batra, Advocate
for respondent Nos.1 and 2.

ANIL KSHETARPAL, J.(Oral)

Defendants are in the revision petition against the order dismissing application for permission to lead additional evidence so as to produce on file the judgments and decrees passed by the Courts in the previous litigation as also pleadings of the aforesaid suits, copy of issues and statement of Janak Raj (plaintiff), who appeared in the previous suit as DW-1.

The learned trial Court has dismissed the application on the ground that the case is at the final stage and it is one of the oldest cases pending in the Court.

Learned counsel for the petitioners has submitted that previous judgments between the same parties passed by the Courts would be per se admissible and copy of the aforesaid judgments are already part of the Court file. However, these have not been exhibited.

On the other hand, learned counsel for respondent Nos.1 and 2

has vehemently opposed the prayer and submitted that the defendants-petitioners have been given sufficient opportunities to lead their evidence and they are delaying the trial of the case.

Taking into consideration the arguments of the learned counsel for the parties, this Court is of the view that judgments and decrees, which are per se admissible and certified copies whereof are already on the file, can be allowed in additional evidence. The certified copy of judgments and decrees, which are already part of the record are only required to be exhibited.

The defendants-petitioners would be granted one opportunity to lead their additional evidence restricted only to production for execution of certified copies of the judgments and decrees, which are already part of the record.

The prayer of the petitioners for producing on record, pleadings in the earlier suit and copies of the issues framed and the statement of the plaintiff - Janak Raj, is not pressed.

In view thereof, the revision petition is allowed to the limited extent.

The impugned order is partly set aside. The petitioner would be granted opportunity to exhibit the documents, subject to the payment of cost of Rs.10,000/-.

14.03.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No