

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

**CR No.5434 of 2017  
Date of Decision:08.03.2018**

Gurbax Singh

...Petitioner

**Versus**

Sukhdev Singh and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present:** Mr.Vivek K.Thakur, Advocate for the petitioner.

**ANIL KSHETARPAL, J. (ORAL)**

The plaintiff-petitioner is in the revision petition against the order passed by the learned trial court for deleting the evidence of Harjit Singh, who had appeared as defendant's witness and de-exhibit sale-deed dated 20.12.1952 Ex.D6 and Will dated 6.3.1972 on the ground of late production.

Learned counsel for the petitioner has vehemently submitted that as per Order 8 Rule 1-A of the Code of Civil Procedure, the defendant is required to produce all documents along with the written statement and subsequently documents cannot be permitted to be filed except with the leave of the court.

A careful reading of Order 8 Rule 1-A CPC, it is clear that Order 8 Rule 1-A (3) empowers the Court to receive in evidence documents which have not been produced after granting leave to produce. Once the court, while recording evidence permitted the defendants to produce copy of the registered sale-deed and the Will during the course of evidence of Harjit Singh, the leave of the court as required would be deemed to have been granted.

Learned counsel for the petitioner has argued that the documents have been produced at a very late stage when the plaintiff has already closed his evidence. He has further submitted that the plaintiff has not been given any opportunity to rebut the same.

There is substance in the arguments of the learned counsel for the petitioner.

Taking into consideration these facts, this Court is of the considered opinion that if the plaintiff wants to lead any evidence in rebuttal to the documents, which have been produced late, he would be granted one more opportunity to lead evidence in rebuttal.

In view of the above, the revision petition is disposed of.

**08.03.2018**  
**mks**

**(ANIL KSHETARPAL)**  
**JUDGE**

**Whether speaking/reasoned: Yes/No**

**Whether Reportable: Yes/No**