

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

**Civil Revision No.7106 of 2014 (O&M)
Date of Decision: 27.07.2018**

Jagtar Singh and others

.....Petitioners

Vs

Gardaur Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Abhinav Jain, Advocate
for the petitioners.

Mr. Ashish Gupta, Advocate
for the respondents.

RAJ MOHAN SINGH, J.

[1]. In this revision petition, the petitioners have assailed the order dated 17.09.2014 passed by the Addl. Civil Judge (Sr. Divn.) Faridkot, whereby the application filed by the plaintiffs/petitioners for exhibiting copy of *Rapat Roznamcha* No.303 dated 18.05.1957 was dismissed.

[2]. Brief facts of the case are that the plaintiffs/petitioners filed a suit for declaration that they were the owners in possession of land measuring 26 Kanals 19 Marlas as shown in headnote of the plaint. Permanent injunction was also sought restraining the defendants from interfering in the peaceful

possession of the plaintiffs.

[3]. In the evidence of the plaintiffs, they moved an application to exhibit a copy of *Rapat Roznamcha*. Prior thereto the plaintiffs had filed application on 12.02.2013 for summoning of the witness i.e. *Halqa* Patwari, Sadhuwala with *rapat roznamcha* in question. The application was allowed and process fee along with diet money was deposited. On 06.03.2013, learned counsel for the plaintiffs gave up the witness i.e. Amritpal Singh Patwari being unnecessary. As a result of that required *roznamcha* could not be brought on record. After availing some opportunities, the plaintiffs concluded their oral evidence on 10.05.2013 and the case was adjourned for documentary evidence of the plaintiffs. After availing some opportunities, the application was filed for exhibiting the copy of *rapat roznamcha* in evidence.

[4]. The trial Court dismissed the application on the ground that the plaintiffs had already given up the witness for proving the document in question. Simply mere tendering of document is not *per se* admissible in evidence. Defendants have valuable right to challenge the authenticity of the document by way of cross-examination. Defendants also took specific plea/objection in the written statement that the *rapat roznamcha* in question is forged and fabricated.

[5]. At the time of issuance of notice of motion on 16.10.2014, following order was passed by the Co-ordinate Bench of this Court:-

*“It is inter alia contended that the learned trial Court was quite wrong in observing that the certified copy of rojnamcha is an inadmissible document. Relies upon (i) **Munshi Ram Chhabra and others vs. U.T. Chandigarh and others**, 2003(2) RCR (Civil) 6; (ii) **State of Punjab vs. Bakshish Singh and others**, 2003 (3) RCR (Civil) 599 and (iii) **Sudharsh Chander and others vs. Gurbax Singh and others**, 1980 (II) All India Land Law Reporter 446. It is further contended that only certified copy of the rojnamcha report of the Patwari was required to be tendered in additional evidence.*

Notice of motion for 17.2.2015.

Process dasti only.

In the meanwhile, the trial Court shall not pass the final judgment.”

[6]. Certificate copy of *rapat roznamcha* as per objection of the defendants may or may not be a forged document. The aforesaid aspect cannot be treated to be a gospel truth at this stage. The authenticity of the document would be judged by the trial Court at the relevant stage with reference to evidence to be brought on record by the parties.

[7]. As per precedents cited in the aforesaid order dated 16.10.2014, the only thing which is required to be assessed by the trial Court is in respect of objection raised by the defendants

that the *Rapat Roznamcha* No.303 dated 18.05.1957 is forged and fabricated document. In view of assertion and denial fo the parties, it can be noticed that the evidence of the defendants is still to be started. Defendants would be having right to rebut the document in question. At this stage, it would be appropriate not to weigh the observation in respect of authenticity of document being *per se* admissible, rather defendants can be permitted to lead any such evidence to rebut the presumption of *per se* admissibility of the document on the threshold of their objection of the document being forged and fabricated. Plaintiffs would be entitled to exhibit the document i.e. copy of *Rapat Roznamcha* No.303 dated 18.05.1957 at this stage and the defendants would be at liberty to lead any such evidence to rebut the presumption of *per se* admissibility of the document in their evidence in accordance with law.

[8]. In view of above, the impugned order dated 17.09.2014 passed by the Addl. Civil Judge (Sr. Divn.) Faridkot is hereby set aside. This revision petition is allowed. Normal consequences to follow.

July 27, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No