

VIKAS CHANDER
2019.02.07 14:08

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

CR no.1433 of 2018

Date of Decision: 04.02.2019

Robin James

...Petitioner

Vs.

Gurdev Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ramesh Sharma, Advocate, for the petitioner.
Mr. Tribhuvan Singla, Advocate, for the respondents.

Amol Rattan Singh, J (Oral)

By this petition, the petitioner challenges the order of the Additional Civil Judge (Sr. Divn.) Nakodar (trial court), dated 17.02.2018, by which his application seeking to lead additional evidence after the respondent-plaintiff had relied upon a sale deed in his rebuttal evidence, has been dismissed.

Learned counsel for the petitioner submits that it is the contention of the petitioner (defendant in the suit), that the said sale deed relied upon in rebuttal evidence as Ex.P-19, is actually a forged and fabricated document (or is the result of the fraud), in respect of which two FIRs stand registered and as such he wishes to lead, by way of additional evidence, copies of those two FIRs.

Learned counsel for the respondents-plaintiffs on the other hand submits that the only method by which the respondents-plaintiffs could refute the evidence led by the petitioner-defendant as regards the price

of the suit land, would be by way of rebuttal evidence after the petitioner had referred to the rates settled by the Collector of the district concerned, qua such land.

Having considered the aforesaid contention, in my opinion this petition deserves to be allowed, for the reason that admittedly the said document (Ex.P-19) was led at the time of evidence in rebuttal by the plaintiffs, and if that document itself is alleged to be the result of a fraud, the petitioner would have the right to try and prove it to be so by whatever additional evidence that he wishes to bring on record.

Consequently, without making any comment whatsoever on either the merits of the controversy between the parties, or even with regard to whether the document, Ex.P-19, is a genuine or forged/fabricated document or has been obtained by fraud, which is a matter left to be decided by the trial court on the basis of the evidence appraised by it, this petition is allowed with the impugned order set aside. The petitioner is allowed to lead additional evidence in the form of FIR no.155 dated 28.06.2012 and FIR no.106 dated 17.05.2012, both stated to be registered at Police Station Nakodar, which he contends are registered in the context of the document, Ex.P-19.

Since the trial has been pending since long, the trial court is requested to dispose of the suit expeditiously.

04.02.2019

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(Amol Rattan Singh)**Judge****Whether speaking/reasoned : Yes****Whether reportable : Yes**