

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6077 of 2016

Date of Decision: 18.03.2019

Navdeep

.....Petitioner

Vs.

Asha Rani and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. MJS Bedi, Advocate,
for the petitioner.

Mr. Deepak Aggarwal, Advocate,
for the respondents.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order passed by the learned Civil Judge (Senior Division), Phul, dated 10.08.2016 (copy Annexure P-4), by which the application filed by respondents no. 1 and 2 (plaintiffs) has been allowed, seeking that the petitioner and a witness examined by him as DW-2 (Ramandeep Kumar), be directed to bring on record, for the purposes of their cross-examination, certain documents.

The documents sought to be summoned through the petitioner and the aforesaid witness are stated to be the case file of CS No. 177 dated 12.08.2010, titled as **Asha Rani and another** vs. **Navdeep Kumar**, (i.e. another *lis* between the same parties), as also 15 other documents as have been enumerated in the application (a copy of which is Annexure P-2 with the present petition).

Learned counsel for the petitioner today has produced in Court an

order dated 24.08.2017, passed by a co-ordinate Bench in Civil Revision No. 6184 of 2016, which was a petition in which an order passed in the aforesaid Civil Suit No. 177 dated 12.08.2010 had been challenged.

In that suit too, a similar application had been allowed, with the present petitioner having challenged that order.

This Court, while dismissing the petition qua the prayer made in that petition, to cross-examine the present petitioner as DW-2, had however allowed the petition qua the prayer against the order directing the same documents to be produced, on the ground that the documents were well within the knowledge of the plaintiffs (present respondents in this petition as also in that petition), right since the inception of the suit and as such seeking those documents to be brought on record at a belated stage, was uncalled for.

It had still however been directed that the plaintiffs would be at liberty to put the documents to the witness during his cross-examination.

Learned counsel for the respondents has submitted that that being a separate suit pertaining to the adoption deed of the petitioner whereas the present suit is one seeking a declaration that a judgment and a decree passed in a previous suit be declared to be null and void, the situations are completely different.

Whereas factually he may be correct, however, the fact remains that if the respondents-plaintiffs had knowledge of those documents at the beginning of the suit as was subject matter in Civil Revision No. 6184 of 2016, obviously such knowledge continues even qua the present suit, which again is at a stage of cross-examination of the witnesses of the defendant.

Hence, as regards the documents now sought to be produced at this stage by the respondents-plaintiffs, the application before the trial Court would seem to be one only to delay proceedings; and consequently this petition is

allowed qua the prayer made against production of the documents, except the case file of CS No. 177 of 12.08.2010, that being a matter of court record and the trial Court in any case having wanted to examine it.

March 18, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.