

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 213

CR-6317-2018 (O&M)

Date of decision : 15.07.2019

Parshotam Lal and another

..... Petitioners

VERSUS

Parveen Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vipin Mahajan, Advocate, for the petitioners.

Mr. Dinesh Mahajan, Advocate, for respondent No. 1.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 24.08.2018, passed by the Additional Civil Judge (Senior Division), Gurdaspur (for short, the Trial Court), through which an application filed by the petitioners for leading additional evidence has been dismissed.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that the petitioners filed a suit seeking therein specific performance of compromise/agreement dated 30.07.2000 entered into between the parties qua one shop the details of which were given in the head note of the plaint. On being put to notice, the contesting respondent No. 1 appeared before the Trial Court and denied the petitioners' claim. The Trial Court then framed the issues after which both parties led their respective evidence. When the matter was listed for rebuttal evidence/arguments, the petitioners filed an application for leading additional evidence in the form of a certified copy of judgment dated 24.08.2017, passed by the Appellate Authority, Gurdaspur in Rent Appeal "*Parveen Kumar vs Ram Saran Dass*" as also a Local Commissioner's report dated 10.12.2003 which had been exhibited in the aforesaid rent proceedings. The Trial Court dismissed the petitioners'

application through the order under challenge in the present proceedings.

Learned counsel for the parties have been heard.

At the outset, learned counsel for the petitioners submits that he limits his prayer for tendering only the certified copy of the judgment dated 24.08.2017, passed by the Appellate Authority, Gurdaspur in Rent Appeal “*Parveen Kumar vs Ram Saran Dass*”, which was a case decided between the parties to the present litigation.

Learned counsel for contesting respondent No. 1 submits that he has no objection if the above prayer made on behalf of the petitioners is accepted. However, the aforesaid judgment be permitted to be tendered subject to the objections that respondent No. 1 may have to its evidentiary value.

In view of the above as also for the reason that all that the petitioners seek to exhibit is a certified copy of a judgment rendered by a Court *inter se* between the same parties as in the present petition and which has attained finality, the impugned order is set aside and the petitioners are permitted to tender in evidence a certified copy of the judgment 24.08.2017, passed by the Appellate Authority, Gurdaspur in Rent Appeal “*Parveen Kumar vs Ram Saran Dass*”.

It is clarified that mere tendering of the aforesaid document would not mean that the same stands proved and that respondent No. 1 will have every right to raise all possible objections to the evidentiary value of the same at the time of final arguments.

The present petition is allowed in the above terms.

15.07.2019
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[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No