

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

CR No. 7153 of 2018

Date of decision : 16.11.2019

Preet Kaur Dhillon

..... Petitioner

versus

Harpal Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Madan Gupta, Advocate for the petitioner.

Mr.Satinder Khanna, Advocate for respondent No.2.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has assailed the order dated 17.09.2018 passed by Civil Judge (Jr.Division), Ludhiana vide which documents tendered in the statements of PW1 and PW2 i.e. official witnesses were treated to be marked documents.

Mutations and Jamabandies were exhibited in the statements of PW1 and PW2 and the documents were brought on record with the help of original official record. Original documents were shown in the Court and photocopies of the documents were

exhibited. The exhibited documents were treated to be marked documents on the ground that certified copies of documents were not brought on record in consonance with requirement of Sections 76 and 77 of The Indian Evidence Act, 1872.

Holding up the trial on the objections taken at the stage of tendering documents, in my considered opinion, is hit by the ratio of **Bipin Shantilal Panchal Vs. State of Gujarat, 2001 (1) RCR (Criminal) 859**, wherein the Hon'ble Apex Court has laid down that the procedure has been set for receiving the documents when the same is objected to during trial. The Hon'ble Apex Court has castigated the practice of holding up trial on objections taken at the stage of tendering documents in evidence. Asking the Court to pass an appropriate order on objections has been categorized as an 'archaic practice'. Leading of evidence at the stage pursuant to passing of order would not crystallize any substantial right in favour of the defendants. Even if the documents are exhibited the execution of which can be appreciated at the relevant stage at the threshold of admissibility, validity and genuineness of those documents. Later stage would be an appropriate stage for lawful consideration of such a criteria in terms of validity and admissibility of documents.

If the execution of the documents is found to be proved with reference to evidence on record, the documents can be relied upon by the trial Court in accordance with law. If the execution is not found to be proved, the Court shall be at liberty to eschew the

same. In my considered opinion the documents which have been exhibited are not required to be de-exhibited at this stage leaving the trial Court to have lawful appreciation of validity of documents at the relevant stage.

Disposed of.

(RAJ MOHAN SINGH)
JUDGE

16.11.2019
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No