

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

CR No.7229 of 2018

Date of Decision:14.11.2019

Kalawati

... Petitioner

Vs.

Gurpal Singh and another

... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present : Mr. Ashok Paul Batra, Advocate
for the petitioner.

Mr. Harpreet Singh Gharuan, Advocate
for the respondents.

RAJ MOHAN SINGH J. (Oral)

1. The petitioner has laid challenge to the order dated 21.09.2018 passed by Civil Judge (Sr. Division) Abohar vide which photostat copy of agreement Ex.D1 has not been allowed to be exhibited

2. According to the learned counsel for the petitioner, the original of agreement was got exhibited in the statement of the plaintiff as EX.PA. The original agreement was having blank columns. Photostat copy of the said agreement was obtained by the defendant/petitioner. Subsequently by filling the gaps/columns, the document was got exhibited as Ex.PA by the plaintiffs. The defendant-petitioner wants to get the photostat copy of the agreement exhibited to show that at the relevant time, relevant columns were blank.

3. It is settled law that mere production of document does not dispense with the proof of its execution. Even if agreement is allowed to be exhibited, the petitioner will be duty bound to prove due execution of document in question. If the execution is proved, the Court can rely on the said document at a relevant stage, otherwise, the Court would be at liberty to eschew the same.

4. In **Bipin Shantilal Panchal** v. **State of Gujarat**, 2001 (1) RCR (Criminal) 859, the Hon'ble Apex Court has laid down the procedure 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 time of tendering of documents in evidence. Asking the Court to pass an appropriate order on the objection has been categorized as an '*archaic practice*'. Leading of evidence at the stage pursuant to passing of order does not crystallize any substantial right in favour of the parties rather the evidence led by the parties would be tested by the Court at the threshold of admissibility, validity and genuineness in terms of its execution at an appropriate stage. The later stage would be the relevant stage for lawful consideration of such a criteria in terms of validity, admissibility and genuineness of the document.

5. In case the petitioner succeeds in proving the execution of the document in question, the Court can rely upon

the same. However, the Court would be at liberty to eschew the same if the execution of document is not found to be proved in accordance with law.

6. For the reasons recorded here-in-above, I deem it appropriate to accept this revision petition to the extent as mentioned above.

7. This civil revision is allowed accordingly.

14.11.2019
rajeev

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No