

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2247-2019 (O&M)
Date of decision : 2.4.2019

Arun Kumar Petitioner
Versus
Vishal and another Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vaneet Kumar Sharma, Advocate for the petitioner.

KULDIP SINGH, J.

Heard.

Learned counsel for the petitioner contends that during the cross-examination of DW-1 namely Sat Paul Kakria, a question was put to him *whether Vishal-Defendant No. 1 was in India or not?* DW-1 namely Sat Paul Kakria stated that Vishal was not in India. He also stated, when asked about the No Objection Certificate regarding the clearance of the loan against the suit property, he stated that No Objection Certificate was handed over to the plaintiff. An application filed to produce the passport of Vishal-defendant No. 1 and to produce the No Objection Certificate was dismissed.

I have heard learned counsel for the petitioner and also carefully gone through the case file.

It comes out that Sat Paul Kakria stated that Vishal was not in India. Vishal himself never entered into the witness box to deny that he was not in India. No Objection Certificate, if any, was to be produced by

defendants and if they do not produce the same, adverse inference can be drawn against them. The suit is for specific performance. Plaintiff has already lead his evidence. Therefore, merely on the basis of the question asked in the cross-examination of the defendants, the documents cannot be ordered to be produced.

In view of above, I do not find any illegality or infirmity in the impugned order dated 1.3.2019 (Annexure P-3), passed by learned Civil Judge, Junior Division, Ludhiana.

Dismissed.

(KULDIP SINGH)
JUDGE

2.4.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No