

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

**CR No.7268 of 2019(O&M)
Date of Decision: 18.11.2019**

Jaswinder Singh ChathaPetitioner
Versus
Palwinder Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Vikas Singh, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition for quashing of order dated 13.09.2019 passed by Civil Judge (Junior Division), Amritsar, vide which application filed by the petitioner for de-exhibiting the documents Ex.P1 to Ex.P13 was rejected.

[2]. Application under Order 13 Rules 3 and 6 CPC was filed for de-exhibiting the documents Ex.P1 to Ex.13 on the ground that the aforesaid documents adduced by the plaintiff in the evidence are only photostat copies of the original and the same are not in consonance with the provisions of Evidence Act viz. Sections 76 and 77 of the Indian Evidence Act, 1872.

[3]. Trial Court after having adverted to the aforesaid documents Ex.P1 to Ex.P13 found that the copies are photostat

copies which have been marked as exhibits. The aforesaid exercise was done after having compared the same with the original documents in possession of the plaintiff.

[4]. Precisely, for the controversy in question, this Court in **CR No.7153 of 2018** titled **Preet Kaur Dhillon Vs. Harpal Singh and others** decided on 16.11.2019 has observed that the documents which have been exhibited are not required to be de-exhibited at this stage in view of ratio laid down in **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 this 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 the same 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.

[5]. In case, execution of documents is found to be proved with reference to evidence on record, the same 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.

[6]. In the light of aforesaid position, even if, the documents are exhibited after being compared with the original, the same cannot be de-exhibited on the ground that certified copies of the documents as required under Section 76 and 77 of the Indian Evidence Act have not been tendered. Holding up the trial on such type of objections at this stage in my considered opinion, is not attracted. Trial Court would be at liberty to consider the genuineness and admissibility of the documents at the relevant stage.

[7]. For the reasons recorded hereinabove, I see no reason to interfere in this revision petition. This revision petition is accordingly disposed of.

18.11.2019

Prince

**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No