

103

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.14337 of 2018
Date of Decision: 30.01.2019

Gurbir Singh

..... Petitioner

Versus

Gurudwara Akalgarh Sahib

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vijay Sharma, Advocate
for the petitioner.

Mr. Mohit Sadana, Advocate
for the respondent.

SUDIP AHLUWALIA J. (ORAL)

1. The impugned order was passed in the context of admission of secondary evidence concerning the disputed *Power of Attorney*, which according to the petitioner-tenant was liable to be dealt-with under Section 34 of the Maharashtra Stamp Act for being insufficiently stamped. It however, transpires that after passing the impugned order dated 21.11.2018, the original document itself was located by the respondent's side and tendered in evidence by AW-1 Jathedar Dayal Singh, which was at that stage objected on the grounds of being insufficiently stamped and unregistered apart from late production.

2. Both the Ld. counsels are now *ad idem* that admissibility and

appropriate orders in the light of the applicable legislation can now be passed by the Ld. Trial Court itself.

3. Consequently, the present revision petition is dismissed as withdrawn with liberty to the petitioner to file an appropriate application seeking to get the needful done in terms of the applicable Legislation i.e. the Maharashtra Stamp Act, within a week from today, after which the Ld. Trial Court shall pass its independent order on merits after hearing both the sides within three weeks thereafter.

(SUDIP AHLUWALIA)
JUDGE

January 30, 2019

rittu

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No