

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

**CR-1246-2018(O&M)
Date of decision: 17.03.2020**

Vimal Kumar

.....Petitioner

Versus

Amar Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Mukesh Yadav, Advocate for the petitioner

Mr. Lalit Yadav, Advocate for respondents no. 1(a) & 1(c)

ANIL KSHETARPAL, J. (ORAL)

The suit was fixed for plaintiff's evidence. Five witnesses were examined. Counsel representing the plaintiff sought adjournment to produce a copy of Jamabandi, which was declined. On the same day, later on learned counsel for the plaintiff wanted to produce a copy of jamabandi which is per se admissible in evidence. However, the Court took a narrow view and stated that it cannot recall its order. On 24.1.2018, the case was fixed for the plaintiff's evidence. On that day, the plaintiff was within his rights to produce the relevant documentary evidence. In view thereof, learned Trial Court has taken a very conservative view which is not appropriate. The rules of procedure are meant to advance the cause of justice, not to scuttle it. Rules of procedure are to be interpreted in manner which help the Court to deliver substantive justice.

In view of the aforesaid facts, the revision petition is allowed. The plaintiff would be permitted to produce a copy of the

jamabandi on the next date of hearing. Thereafter, the Court will proceed with the case. This Court has been informed that in the meantime, defendants have also concluded their evidence. In these circumstances, if the defendants seek further opportunity to lead counter evidence to the jamabandi being produced by the plaintiff, the same shall also be granted in accordance with law.

17.03.2020
rekha
Whether speaking/reasoned
Whether Reportable

(ANIL KSHETARPAL)
JUDGE
Yes / No
Yes / No