

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

CR No.414 of 2020

Date of Decision:21.01.2020

Bakshish Singh Kooner

.....Petitioner

Vs.

Joga Singh and another

....Respondents

**CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH**

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

**AMOL RATTAN SINGH, J. (Oral)**

Pursuant to the order dated 20.01.2020, learned counsel for the petitioner has produced in court orders passed by the trial court from 05.09.2019 to 20.11.2019, a perusal of which shows that the petitioner (defendant no.1 in the suit) closed his evidence on 20.11.2019, with the matter adjourned to 04.12.2019, for rebuttal evidence and arguments.

Learned counsel submits at the bar that as a matter of fact thereafter also the stage before the trial court is the same, with the next date of hearing being January 29, 2020.

That being so, without making any comment whatsoever on the actual merits of the evidence that the petitioner now wants to lead before the trial court in the form of a report by the Tehsildar, dated 05.12.2019 (a copy of which is Annexure P-5 with the present petition), this petition is allowed, subject further to payment of costs of Rs.10,000/- by the petitioner to the respondents/plaintiffs, with the petitioner to tender the aforesaid document in evidence, subject naturally, to the right of the respondent/plaintiff to rebut it.

To prove the document the petitioner shall be given one single opportunity only, to examine the witness that he wishes to examine in respect thereof.

If the trial has progressed beyond that stage, i.e. at the stage for rebuttal evidence (if any and arguments), this order shall be treated as not having been passed.

Since this petition has been allowed in the aforesaid terms without issuing notice to the respondents/plaintiffs, it is firstly, of course, again made clear that this court has made absolutely no comment whatsoever on either the authenticity of the document which is sought to be tendered by way of evidence before that court or even the effect of such document on the case of either party, which would naturally be gone into by the trial court.

It is also further clarified that if the stage of the trial has proceeded beyond where it was on 04.12.2019, the respondent/plaintiff would be at liberty to file an application seeking review of the this order, or even otherwise to do so, if he is aggrieved thereof, the petition having been allowed without issuing notice to the respondents.

Disposed of in the above terms.

**January 21, 2020**

dharamvir

**(AMOL RATTAN SINGH)  
JUDGE**

Whether speaking/reasoned : YES  
Whether Reportable : NO