

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

CR-1522-2020

Date of Decision: 02.03.2020

Janardhan

... Petitioner

Versus

Lakhpat

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Munish Mittal, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. Heard counsel enough to understand the case.
2. The impugned order is set aside and the case is remitted back to the board of the Civil Judge (Jr. Divn.), Karnal by restoring the application under Order 7 Rule 11 CPC.
3. The Court will permit the petitioner to obtain an attested copy of the relevant record of the Assistant Collector Ist Grade, Karnal, including the order dated 18.04.1988. Once it is presented on record, the trial Court will re-examine the issue regarding limitation in the light of the relevant record of the revenue authorities. An order of the Assistant Collector Ist Grade, Karnal is a public document and judicial notice can be taken of it once it is on record, as permitted by Section 74 read with Section 76 of the Indian Evidence Act,1872.

4. The learned Civil Judge (Jr. Divn.), Karnal did not commit any error in refusing to rely on the photocopy of the order but at the same time he could have granted time to the applicant-defendant to produce certified copies of those orders, and on failure to do so, he could reasonably be expected to dismiss the application to make way for the further trial. Once the document is on record, the learned Judge will take an independent view of it and take a decision thereon, without expressing any opinion on the relevancy of the documents, since this order has been passed on the short ground to serve the ends of justice by permitting the petitioner to replace the photocopy with the certified/ tested copy of which the Court will take judicial cognizance, when produced.

5. The petitioner is given no more than one month to produce the certified copy of the documents which he relies on from the revenue authorities in office concerned in District Karnal. One month shall run from the date of supply of copy of this order produced before the learned trial judge.

6. Accordingly, the petition is partly allowed to the extent of remand.

(RAJIV NARAIN RAINA)
JUDGE

02.03.2020

Satyawan

Whether speaking/reasoned Yes

Whether reportable Yes/No