

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

CR-1533 of 2021 (O&M)

Date of decision: 10.09.2021

Sombir

...Petitioner

Versus

Kamal @ Kamla Chaudhary

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

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

H.S. MADAAN, J.

Case taken up through video conferencing.

This revision petition under Article 227 of the Constitution of India has been filed by petitioner Sombir, who is defendant in the suit for grant of permanent injunction filed by plaintiff Smt. Kamal @ Kamla Chaudhary, pending in the Court of Civil Judge (Jr. Divn.) Mohindergarh.

In this revision petition, order dated 29.07.2021 (Annexure P-3) passed by the trial Court has been challenged, vide which the trial Court had accepted an application U/s 151 CPC filed by the plaintiff for adducing additional evidence, so as to exhibit original sale deed No.1527 dated 01.02.2016 executed by Sh. Umed Singh son of Kashi Ram in favour of plaintiff Kamal @ Kamla Chaudhary.

Briefly stated facts of the case are that plaintiff Smt. Kamal @ Kamla Chaudhary had filed a suit for grant of permanent injunction against defendant Sombir, praying for restraining the defendant from

interfering in possession of the plot belonging to plaintiff illegally and forcibly and from raising construction therein in the garb of some forged writing during pendency of the civil suit.

On getting notice, the defendant appeared and filed written statement. Issues on merits were framed. The parties led evidence and the case was posted for advancing final arguments. During the course of such proceedings, the plaintiff moved an application for exhibiting original sale deed No.1527 dated 01.02.2016 executed by Umed Singh in favour of the plaintiff. Though notarized copy of the said sale deed has already been exhibited on record as Ex.PW1/B but that was subject to objection raised by counsel for the defendant with regard to mode of proof. As such, the application under reference had been filed to remove such objection.

The application was opposed on behalf of the defendant, contending that it had been filed on belated stage and the application was not maintainable, therefore, it should be dismissed.

The trial Court after considering the contentions raised by learned counsel for the parties, in the light of judgments cited by them, accepted the application, vide impugned order. For ready reference, the relevant para of the impugned order is reproduced as under:-

“The Sale Deed No.1527 dated 01.02.2016 has been executed by Umed Singh son of Kashi Ram in favour of Kamla Chaudhary (plaintiff) and it is the most important document on the basis of which plaintiff is claiming the ownership of the suit land and thereby seeking the relief of possession of the suit land. Notary attested Sale Deed has

already been exhibited as Ex.PW1/B, but somehow, the original Sale Deed was not placed on record. The version with regard to execution and authenticity of this Sale Deed with regard to defendant has already come on record during evidence of the defendant. The defendant has denied the authenticity of this document on the ground that it is without passing of any consideration and said Umed Singh, the executant of the Sale Deed has no right to execute the same. The version of the defendant would not be effected in any manner by exhibiting the original Sale Deed on the cas file.”

This order has left the defendant aggrieved and he has knocked at the door of this Court, by way of filing the present revision petition.

I have heard learned counsel for the revisionist besides going through the record and I find that the revision petition is without any merit.

It has to be taken note of that the instant suit is one for grant of permanent injunction, where the main thing to be seen is as to whether the plaintiff has been in established possession of the suit land. The question of title is not to be decided in such type of suit. Nevertheless, the document of title to the suit property produced in evidence on behalf of any of the parties can certainly be taken into consideration to find out the nature of possession. It is further to be noticed that in this case the plaintiff had already placed on record copy of the sale deed, duly attested by Notary Public, which had been exhibited as Ex.PW1/B, though, it was subject to objection with regard to mode of proof and admissibility raised

on behalf of the defendant. The plaintiff sought to place on record the original sale deed and to exhibit it just to remove the technical objection. The trial Court considering all the aspects of the case, exercising powers under Section 151 CPC had allowed that application. Such exercise of power by the trial Court can certainly be not termed as arbitrary or perverse, rather, it comes out that such power has been exercised in a judicious manner for proper adjudication of the controversy between the parties.

Section 151 CPC deals with inherent power of the Court clearly providing that nothing in this Code of Civil Procedure shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of process of the Court. It is a very vast power, which can be exercised by the Court for achieving ends of justice and to prevent abuse of process of the Court. Unnecessary interference in exercise of such power by the trial Court is uncalled for.

It has to be kept in mind that Courts are required to do substantial justice and not to get bogged down in technicalities. Further rules or procedure are hand maid of justice and are meant to advance ends of justice. Therefore, I do not find any reason to interfere with the impugned order. The revision petition is found to be without merit and is dismissed accordingly.

10.09.2021
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No