

CR-7533-2018 (O&M)

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

CR-7533-2018 (O&M)

Date of decision : 23.11.2022

Surmukh Singh

...Petitioner

Vs.

Union Territory, Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Rajbir Singh Guron, Advocate for the petitioner.
Ms. Irvannet Kaur, Advocate for
Mr. Anil Mehta, Advocate for respondent Nos.1 and 2.
Mr. Amit Bansal, Advocate for
Mr. Naresh Kumar Bansal, Advocate
for respondent Nos.3 to 6.

MANOJ BAJAJ, J.

Petitioner has filed this revision petition under Article 227 Constitution of India seeking quashing of order dated 21.09.2018 passed by Civil Judge (Junior Division) Chandigarh, whereby application moved by plaintiff for de-exhibiting the document DW-1/A was dismissed.

Learned counsel for the petitioner has argued that the document relied upon by the defendant through their witness, namely, Shamsheer Singh is family settlement and since the said document is not registered in terms of the Registration Act, 1908, the same could not have been exhibited. He submits that the trial Court has erroneously dismissed the plaintiff's application for de-exhibiting the document (Ex.DW-1/A) and has even ignored the provisions of Indian Stamp Act, 1899 as the objections in this regard is to be decided by the trial Court at the stage of raising objections. He prays that the impugned order be set aside and the family settlement document be de-exhibited.

After hearing the learned counsel and considering the above background, this Court finds that the suit between the parties, who are closely related, is for partition of the suit property. The argument that the document exhibited in evidence is not registered, therefore, cannot be adduced in evidence is not acceptable, as the issue of admissibility is to be examined by trial Court while analyzing the entire evidence of the parties. The other argument that since this instrument is not properly stamped, therefore, the objection relating to the admissibility of the evidence is to be decided at the time of raising objection, is also without any merit, as this argument is being raised before this Court. Learned counsel is unable to show anything on record, or in the impugned order that this objection was ever raised or pleaded when the document was exhibited.

A perusal of the impugned order reveals that the trial Court has carefully examined the material on record while dismissing petitioner's application seeking exclusion of document DW-1/A. The impugned order does not suffer from any illegality or impropriety, thus, does not call for any interference by invoking superintendence powers under Article 227 Constitution of India.

Dismissed.

(MANOJ BAJAJ)
JUDGE

23.11.2022
vanita

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