

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.274

CR No.3387 of 2022

Date of Decision: 21.12.2022

Malkit Singh @ Malkeet Singh

.... Petitioner

Versus

Baljinder Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sunny K.Singla, Advocate
for the petitioner.

Mr. Pradeep Singh, Advocate
for the respondent.

TRIBHUVAN DAHIYA, J. (ORAL)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 04.07.2022 (Annexure P-5) passed by the trial Court, whereby the petitioner/defendant's application dated 07.05.2022 (Annexure P-4) seeking permission to tender certified copy of the complaint and statement of Satpal, Naib Tehsildar, recorded in complaint No.44 of 2009 titled *Malkiat Singh v. Jang Singh and others*, decided on 11.03.2016, was dismissed.

2. The facts of the case in brief are, the respondent/plaintiff filed a suit for recovery against petitioner/defendant alleging that he filed a false criminal complaint under Sections 420, 467, 468, 471 and 120-B of IPC against one Jang Singh on the allegations that Jang Singh, being owner, had sold the land in question to the defendant vide registered sale deed dated 31.03.2003. The plaintiff, who was posted as Patwari at the relevant time, hatched a criminal conspiracy with Jang Singh to defraud the defendant and

his brother, and forged *jamabandi* for the year 1999-2000 wherein the factum of the land being mortgaged with a Bank was intentionally concealed/removed.

3. By way of additional evidence, the defendant seeks permission to place on record a certified copy of the complaint as well as statement of Naib Tehsildar recorded in the said complaint No.44 of 2009. Learned counsel for the petitioner/defendant has made a statement before this Court that he wishes only to tender the said documents without examining any witness.

4. The trial Court vide impugned order dated 04.07.2022 has declined the application by holding that despite the documents being to the knowledge of the defendant, the same were not produced at the relevant stage of trial. Besides, the said complaint stands mentioned in one of the orders dated 25.03.2010 passed by the then Judicial Magistrate, 1st Class, Malerkotla (Ex.P1). Therefore, there was no need to file the said documents on record.

5. Keeping in view the facts of the case, the two documents, i.e., certified copy of the complaint and statement of Naib Tehsildar, are relevant for proper adjudication of the suit, which has been filed on the basis of decision rendered in the said complaint only. Besides, the petitioner/defendant has undertaken not to lead any evidence in that regard. In case, the documents are allowed to be produced on record, no prejudice is going to be caused to the respondent/plaintiff.

6. Consequently, the order dated 04.07.2022 passed by trial Court is set aside and the petitioner/defendant is allowed to tender the aforesaid two documents, i.e., certified copy of the complaint and statement of Naib

Tehsildar recorded in complaint No.44 of 2009 titled *Malkiat Singh v. Jang Singh and others*, before the trial Court on the next date of hearing.

7. It is made clear that the petitioner/defendant shall not be allowed to examine any witness in that regard.
8. Petition stands allowed.
9. Pending miscellaneous application(s), if any, stand disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

21.12.2022
Maninder

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No