

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

137

CR-5827-2022

Date of decision: 09.12.2022

KANWAR SINGH GILL KANWAR SINGH GILL **..Petitioners**

Versus

SUDHA CHAUDHARI AND OTHERS **..Respondents**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Kumar Garg, Advocate
for the petitioner.

Mr. Abhimanyu Singh, Advocate
for respondent No.1/caveator

ANIL KSHETARPAL, J(Oral)

Sh. Abhimanyu Singh, Advocate, enters appearance on behalf of the caveator (respondent No1). Sh. Munish Kumar Garg, Advocate states that respondents No.2 to 4 have been proceeded against ex-parte in the trial Court.

The prayer is to set aside the interlocutory order passed by the First Appellate Court on 25.11.2022. An application filed by the petitioner for marking the documents which are already a part of the record as exhibits has been dismissed while observing that this Court, while deciding Regular Second Appeal No.5508 of 2014, titled as “Kanwar Singh Gill Vs. Sudha Chaudhary and others”, decided on 04.12.2018, had permitted the parties to lead additional evidence but the plaintiff did not lead any evidence to show the relevancy of the documents.

There is a local amendment in Order XIII Rule 4 of the Code of Civil Procedure, 1908, as applicable to the States of Punjab and Haryana.

The same reads as under:-

“Punjab and Haryana- In order XIII, rule 4 insert the following proviso, namely:-

“Provided that where the Court is satisfied that the documents, not endorsed in the manner laid down in the above rule, was in fact, admitted in evidence, it shall treat the documents as having been properly admitted in evidence unless non-compliance with this rule has resulted in miscarriage of justice.”

If the documents are already a part of the record and they are per se admissible, the Court is itself required to mark those documents as exhibits. For this purpose, no separate application is required. The Court can mark the documents at any stage particularly when they are already a part of the record.

With these observations, the revision petition is disposed of while directing the Court to mark the documents as exhibits, if the same are per se admissible.

All the pending miscellaneous applications, if any, are also disposed of.

December 09th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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