

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 9563 of 2018

Date of Decision: 27.05.2022

Tejinder Kumar alias Babla

... Petitioner(s)

Versus

Smt. Ramesh Rani

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Pardeep Rajput, Advocate
for the petitioner(s).

Mr. Sandeep S. Majithia, Advocate
for the respondent.

Anil Kshetarpal, J.

1. The petitioner's attempt to produce certified copy of the sale deed dated 07.07.2009, executed by the family members (legal heirs of late Sh.Hem Raj) has been rejected by the Court.

2. The suit is between the mother and son. The predecessor of the family, namely late Sh. Hem Raj, owned the property which was sold vide registered sale deed dated 07.07.2009 for ₹13,50,000/-. Subsequently, the suit property was purchased in the name of the plaintiffs on 05.08.2009 for ₹12,00,000/-. The defendant, while filing the written statement, has submitted that the property in dispute was purchased with the funds received from the sale proceeds of the property which was sold on 07.07.2009. The trial Court has rejected the prayer on the ground that the petitioner (the defendant before the trial Court) was in the knowledge of the concerned

3. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

4. It is evident that the suit is pending at the trial stage. The document sought to be produced in additional evidence is a certified copy of the registered sale deed. No doubt, the petitioner should have been vigilant in producing the same by leading evidence. However, production of an important piece of evidence cannot be scuttled only on technical grounds. Even after the deletion of Order XVIII Rule 17A CPC, the Court can exercise its inherent powers to permit the parties to lead additional evidence, in order to do complete justice.

5. In the considered view of this Bench, production of such sale deed would help the Court in adjudicating the dispute in a proper manner.

6. Keeping in view the aforesaid facts, the present revision petition is allowed. Let a certified copy of the sale deed be produced in additional evidence subject to payment of costs of ₹5,000/- which shall be a condition precedent for admission of the document in evidence. The plaintiff shall also be entitled to a counter opportunity to lead evidence, if she desires.

(Anil Kshetarpal)
Judge

May 27, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No