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

**CR-2065-2019 (O&M)
Date of Decision: 14.02.2023**

Rajinder Singh

....Petitioner

Versus

Inderjit Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. K.S.Dhillon, Advocate,
For the petitioner.

Mr. K.S.Derabassi, Advocate,
For the respondents.

ARUN MONGA, J. (ORAL)

Revision petition herein is for setting aside order dated 13.11.2018 (Annexure P-7) passed by learned Additional Civil Judge (senior Division) Mohali vide which application of petitioner/ defendant for production of certified copies of documents/orders from judicial proceedings of civil suit decided on 10.03.2000 by way of additional evidence, was dismissed.

2. Succinct facts first, as pleaded in the revision petition.

2.1. Petitioner is the defendant in suit filed by plaintiff-respondents for declaration to the effect that they are owners in possession of land measuring 14 Marlas being ½ share of 1 Kanal 8 Marlas comprised in Khewat/Khata No.9/20, Khasra No.57//1 (0-5), 57//2 (1-3), situated within the revenue estate of village Shahi Majra (Tehsil Kharar) now Tehsil Mohali, District SAS Nagar on the basis of registered Will dated 10.03.1989. A declaration was also prayed for that the alleged agreement to sell dated 30.10.1990, unregistered Will dated 30.10.1990 of Joginder Singh and mutation dated 27.08.2007 are illegal and null and void.

3. Learned counsel for the petitioner submits that issues were framed on 17.08.2017 and evidence of plaintiff/respondents was closed on 03.04.2018.

The case was then fixed for defendant's evidence on 17.04.2018 and evidence of defendant commenced. During his evidence, defendant/petitioner produced documents and got examined DW-1 to DW-5. On 25.09.2018, learned trial Court by order closed evidence of petitioner/defendant. Thereafter, an application (Annexure P-4) for additional evidence was filed by petitioner on 11.10.2018. Reply (Annexure P-5) to the application was also filed by plaintiff/respondents herein. Against order dated 25.09.2018 (Annexure P-3) vide which defendant evidence was closed, a civil revision bearing No.CR-7074-2018 was earlier filed in this Court which was allowed vide order dated 16.10.2018 (Annexure P-6). Subsequent thereto, application for additional evidence was taken up and dismissed by learned trial Court vide impugned order dated 13.11.2018 (Annexure P-7). Hence, the instant petition.

4. He argues that impugned order has resulted into grave miscarriage of justice and for effective adjudication of the case, petitioner may be permitted to produce the documents by way of additional evidence, in the interest of justice and equity.

5. Per contra, learned counsel for respondents submits that petitioner/defendant did not seek liberty from Court as per law for producing the documents which are now sought to be produced at the time of filing the earlier revision petition. Being so, he is now estopped to seek permission to adduce additional evidence.

6. I have heard rival contentions of learned counsels for parties and perused the case file.

7. In ordinary course, this Court would not have interfered in the matter, given that on an earlier occasion also, the right of the petitioner/defendant was struck off by learned trial Court vide order dated 25.09.2018 (Annexure P-3) against which he had preferred a revision petition

and which was allowed and he was further given an opportunity for adducing additional evidence. The petitioner wants to produce certified copies of plaint, written statement, statement of plaintiff (respondent herein) and order dated 10.03.2000 in suit titled Gurmeet Kaur v. Rajinder Singh. It is stated that these documents pertain to the same property which is the subject matter of suit giving rise to the instant petition. Impugned order does not contain anything against their relevancy for the adjudication of the controversy in the pending suit. Considering the nature of documents, which are sought to be placed on record, the same being certified copies of the record of the Court proceedings/pleadings, I am of the view that no prejudice would be caused to plaintiffs if the same are brought on record.

8. In the peculiar circumstances, I deem it appropriate to grant just one opportunity to petitioner/defendant, subject to payment of costs. In the premise, the instant revision petition is allowed. Impugned order dated 13.11.2018 (Annexure P-7) is set aside and the petitioner's application to produce the documents as mentioned therein is allowed, subject to payment of Rs.15,000/- as costs to be paid to respondents, which shall be the condition precedent. If the costs are not paid, as directed, the impugned order shall stand restored.

9. Pending application(s), if any, shall also stand disposed of.

February 14, 2023

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No