

139

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

CR-3827-2023

Date of Decision:- 18.08.2023

MANJU SHARMA ALIAS MANJU BALA

....Petitioner

Vs.

SUKHWINDER SINGH

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Kulwinder Singh, Advocate for Mr. S.S. Sarwara,
Advocate for the petitioner.

AMARJOT BHATTI, J. (Oral)

1. The petitioner has filed the instant Civil Revision against the impugned order dated 27.02.2023, Annexure P-5, passed by learned Civil Judge (Jr. Divn.), Rajpura in Civil Suit No.487-2018 titled as "Sukhwinder Singh Vs. Manju Sharma" in which his application for directing the plaintiff to produce the original Aadhar Card, Pan Card, Income Tax Return, Bank Account Statement for the year 2017-2018 and to supply the copies thereof to the defendant/petitioner was dismissed.

2. Learned counsel for the petitioner/defendant argued that Sukhwinder Singh filed a suit for possession by way of specific performance of agreement to sell dated 15.09.2017 executed by the defendant in his favour regarding 100 square yards of land with construction bearing Khewat/Khatauni No.316/620 Khasra No.651/2/6/4 (4-19-2/3) as detailed in the headnote of the plaint. The copy of plaint is

Annexure P-1. The said suit is contested by the defendant/present petitioner and he filed his detailed written statement. Copy of the same is Annexure P-2. The case is fixed for the plaintiff's evidence in which the petitioner/defendant filed application for directing the plaintiff to produce the aforesaid original documents and to supply copies thereof. The copy of application is Annexure P-3 and reply to the said application is Annexure P-4. The said application was considered and ultimately dismissed vide impugned order dated 27.02.2023, which is Annexure P-5. It is prayed that for the proper disposal of the case the aforesaid documents i.e. Aadhar Card, Pan Card, Income Tax Return and Bank Account Statement for the year 2017-18 are important. Therefore, the learned trial Court was required to give directions to the plaintiff to produce the same and to supply copy thereof. It is prayed that the impugned order dated 27.02.2023 may be set aside by accepting the present revision and the respondent/plaintiff be directed to supply the documents as mentioned in the application.

3. I have considered the stand taken by the petitioner/defendant. It is conceded that at present case is fixed for evidence of the defendant i.e. the present petitioner. I have also gone through the contents of order dated 27.02.2023, Annexure P-5, vide which application was declined, however, the present petitioner was given liberty to summon the relevant record from the concerned department after moving appropriate application and on payment of necessary fee through the Process Serving Agency of the Court. Instead of filing application to summon the witness, the present Civil Revision has been preferred by the petitioner/defendant. The learned Civil Judge rightly came to the conclusion that by filing such application the process of the Court cannot be used to collect evidence by giving

direction to the plaintiff on behalf of the defendant/applicant. For the purpose of summoning witnesses to produce the record, the learned Trial Court is required to see relevancy of the witnesses or the documents which are required to be summoned in evidence and thereafter the application to summon the witnesses can be entertained.

The findings given by the learned Civil Judge (Jr. Divn.), Rajpura are fully justified and the same do not require any interference. Therefore, the civil revision preferred by the present petitioner/defendant is accordingly dismissed.

Pending applications, if any, shall also stand disposed of.

18.08.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No