

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4011-2019 (O&M)

Date of decision: 08.05.2023

Sushil Kaur

...Petitioner

VS

Ved Parkash

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Preetwinder Singh Dhaliwal, Advocate,
For the petitioner.

Mr. Tribhawan Singla, Advocate,
For the respondent.

ARUN MONGA, J. (ORAL)

Revision petition herein *inter alia* is to set aside impugned order dated 18.05.2019 (Annexure P-5) passed by learned Civil Judge (Junior Division), Barnala whereby application moved by petitioner/plaintiff under Section 151 CPC for permission to produce and prove on record Receipt No.55 dated 05.03.1982, was dismissed.

2. Learned counsel for petitioner submits that husband of petitioner, Kuldeep Singh purchased the property vide sale deed bearing Wasika No.908 dated 05.06.1954 and some portion was purchased through auction. Copy of sale deed and site plan, which was got prepared from Sukhwinder Sharma, were attached with copy of the plaint at the time of filing the suit. He submits that some specific portion was purchased through auction by husband of petitioner but documents regarding auction purchase were not available to petitioner at the time of filing the suit and during cross-

examination, specific question was put to petitioner regarding auction and documents etc. and petitioner made reply that documents are not traceable and that petitioner is making efforts and same will be produced later. At the stage of rebuttal evidence, documents were traced and she moved application to produce the above said documents and prove the same. However, the same was dismissed on the ground that production of the documents are not necessary for proper adjudication of the matter in dispute. Learned counsel for petitioner would further argues that learned trial Court observed that petitioner has availed six opportunities for leading rebuttal evidence and is delaying the proceedings.

3. Per contra, learned counsel for respondent vehemently opposes the revision petition and submits that petitioner has concealed material facts from the Court and as such, learned trial Court rightly dismissed the application.

4. I have heard learned counsel for the parties and gone through the case file.

5. The only serious ground to oppose the revision petition, as it transpires in the course of arguments, is that receipt in question is completely irrelevant *qua* the case of petitioner/plaintiff, as pleaded in her plaint.

6. Without commenting anything on the merits of its relevancy, I am of the view that it is better left open for learned trial Court to give a finding *qua* the relevancy at the time of arguments. Accordingly, without expressing anything on the same, revision petition is allowed. Petitioner is granted an opportunity to adduce additional evidence.

7. In the parting, I may hasten to add that in any case, the argument of learned counsel for respondent that it is irrelevant cuts both ways inasmuch as if it is irrelevant, no prejudice would be caused to respondent in case prayer of petitioner to adduce additional evidence at this stage, is allowed. Revision petition is allowed. Petitioner shall be given one effective opportunity to adduce additional evidence subject, of course, to learned trial Court's discretion to adjourn it for further depending on the pendency of work before it.
8. Disposed of accordingly.
9. Pending civil miscellaneous application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

08.05.2023
vandana

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