

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

**CR-3726 of 2023(O&M)
Date of Decision: 18.07.2023**

Balbir

...Petitioner

Versus

Sumitra Devi & Anr.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Ram Kumar Saini, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. Petitioner/ plaintiff has filed the present revision petition seeking setting aside of the impugned order dated 29.05.2023 (Annexure P-6) passed by the Court of learned Additional Civil Judge(Sr.Divn.), Siwani District Bhiwani vide which the application moved by the respondent/ defendant No.2 for permission to produce copy of FIR No. 86 dated 21.03.2023, Police Station Siwani, registered under Sections 147, 148, 283, 294, 323, 354, 452, 506 IPC and Section 3(2)(v) of S.C. & S.T. Act registered against the plaintiff on the statement of defendant No.2 and certain photographs of the site in dispute, by way of additional evidence, has been allowed.

2. The counsel appearing on behalf of the petitioner submits that the petitioner has filed suit for possession by way of specific performance of oral agreement to sell dated 01.09.2019 with regard to suit property and as per said agreement defendant No.1 received Rs.3,00,000/- as earnest money from the petitioner/ plaintiff. The said civil suit is contested by the

defendants. The parties have already concluded their evidence and at the final stage the defendant No.2 filed an application for additional evidence to produce the aforementioned documents/ photographs and the said application is allowed by the learned trial Court vide impugned order (Annexure P-6).

3. The counsel for the petitioner further submits that the FIR in question has got no bearing on the present case and even otherwise after the registration of said false FIR, the police has presented cancellation report. It is further submitted that as far as photographs in question are concerned, they are not relating to the suit property which is an agricultural land. It is further submitted that on perusal of the photographs in question, it is apparent that the said photographs are relating to some *abadi* area as residential houses are visible in the same. The counsel for the petitioner further submits that the aforesaid FIR and photographs are not relevant for proper adjudication of civil suit regarding specific performance of agreement to sell dated 01.09.2019. So, prayer is made that impugned order be set aside.

4. I have considered the submissions made by counsel for the petitioner.

5. During arguments, the counsel for the petitioner admitted that FIR in question was registered by the other party against the petitioner. In case any cancellation report has been filed against the said FIR, the petitioner is at liberty to produce the said cancellation report by way of rebuttal to the aforesaid additional evidence. As regards photographs in question, the counsel for petitioner has denied that the same are relating to suit property. It is for the trial Court to see as to whether the said

photographs are of the suit property and in the given circumstances the photographs in question are directed to be admitted as additional evidence subject to their authenticity. Needless to say that opposite party is also at liberty to lead evidence in rebuttal to refute those photographs.

6. In the light of the above discussion, this Court is of the view that there is no illegality or perversity in the impugned order. Consequently, the present petition is disposed of in above terms.

18.07.2023

Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No