

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.3184 of 2022 (O&M)

Date of Order:14.12.2023

Premwati

.Petitioner

Versus

Indrawati and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. G.C.Shahpuri, Advocate
for the petitioner.**

**Mr. Amit Arora, Advocate
for the respondents.**

ANIL KSHETARPAL, J

1. In this revision petition, the plaintiff assails the correctness of the order dated 05.07.2022, passed by the Civil Judge (Jr. Divn.), Faridabad, while dismissing the petitioner's application for permission to lead additional evidence in order to produce the following three documents:-

- (1) Certified copy of the sale deed dated 24.06.1986;
- (2) Certified copy of General Power of Attorney executed by Sh. Anand Singh Bisht and Sh. Govind Singh Bisht in favour of Sh. Narender Singh Rawat on 21.08.1996;
- (3) Certified copy of the sale deed executed by Sh. Narender Singh Rawat in favour of his wife Smt. Seeta Devi on 05.11.1996.

2. The plaintiff (petitioner herein) has filed a suit for possession claiming that she is owner of the property by virtue of sale deed executed on 03.05.2007 by Sh. Yashpal.

3. On the other hand, the defendants claim that the property

belongs to them as they have purchased the property vide registered sale deeds.

4. During the defendants' evidence, the sale deed dated 24.06.1986, the General Power of Attorney dated 21.08.1996 and the sale deed dated 05.11.1996 were produced. The plaintiff claims that the interpolated copy of the sale deed dated 24.06.1986 has been produced on the court file.

5. The trial court has dismissed the application on the ground that these documents were in the knowledge of the plaintiff and the documents should have been produced by leading affirmative evidence. It has been further observed that the similar application for permission to lead rebuttal evidence has already been dismissed.

6. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

7. The learned counsel representing the petitioner submits that the interpolation aforesaid three documents came to the notice of the plaintiff only when the defendants produced these documents in their evidence. He submits that the petitioner should be permitted to produce certified copies of the aforesaid documents because that will help the court in proper adjudication of the case.

8. Per contra, the learned counsel representing the respondents submits that the petitioner is delaying the disposal of the suit.

9. This court has considered the submissions of the learned counsel representing the parties.

10 The petitioner before this court is the plaintiff. She is praying for the decree of possession. Hence, she should be interested in expeditious

disposal of the suit. Moreover, the documents sought to be produced are certified copies issued by the office of Registrar with respect to the documents which have been registered as per the provisions of the Registration Act. The court has erred in declining the prayer on the ground that these documents were in the knowledge of the plaintiff. There is no evidence to prove that the plaintiff was in the knowledge of the fact that these documents have been interpolated before these were produced in evidence by the defendants. Moreover the trial court has also erred in observing that similar application to lead rebuttal evidence has already been dismissed. The scope of rebuttal evidence is entirely different from additional evidence.

11. Keeping in view the the revision petition is allowed.

12. The plaintiff will be permitted to produce the aforesaid three certified documents. He shall also be permitted to formally prove the same by requisitioning the official from the Registrar's office.

13. All the pending miscellaneous applications, if any, are also disposed of.

December 14, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO