

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

CR No. 5339 of 2022 (O&M)

Reserved on : 15.05.2023.

Date of pronouncement :- May 24, 2023

Rajinder Kumar Sohar

...Petitioner

Versus

Punjab National Bank and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Gursimranjit Singh, Advocate for the petitioner.

Mr. R.S. Bhatia, Advocate for respondent No. 1.

1. Being impugned in this revision petition is order dated 2.11.2022 passed by Civil Judge, Junior Division, Ludhiana vide which an application filed by defendant Rajinder Kumar Sohar, who is petitioner before this Court was dismissed.

2. Briefly stated the facts of the case are that in a pending suit titled 'PNB versus Hari Om Bansal' defendants No. 2 to 5 had filed an application for de-exhibiting documents Ex.PX1 to Ex.PX-271 tendered into evidence by counsel for the plaintiff alleging that he had wrongly tendered the documents to fill up the lacuna of case of the plaintiff with regard to the alleged fraudulent transactions which are in dispute in the said case and litigants defendants No. 2 to 5 had not got any opportunity to cross-examine the plaintiff on the alleged documents. The application was opposed on behalf of the plaintiffs.

3. Vide impugned order the application was dismissed. While passing the order the trial Court had referred to the judgment passed by this Court in case '**Ranjna and another versus Rajesh Kumar and others, 2019(2) CivCC 170**' to the effect that there is no provision of de-exhibiting of documents which has already been exhibited; Mere fact that the documents has been exhibited does not mean that it has to be read in evidence or in other words it has 100% evidentiary value. The trial Court had, however, observed that defendants will get an opportunity to cross-examine PW2 Gurinder Singh with regard to such documents, therefore, a direction has been issued to the plaintiff to cause appearance of Gurinder Singh Attorney of the plaintiff to face cross-examination with regard to documents Ex.PX1 to Ex.PX-271. That direction duly safeguards the rights of the defendants. Even otherwise merely because a document is exhibited does not mean that it stands proved in accordance with law and the defendants can agitate this matter at the time of final arguments with regard to admissibility and mode of proof of any particular document but as has been rightly observed by the trial Court the documents cannot be de-exhibited as prayed for in the application.

4. Thus there is no merit in the revision petition. The same stands dismissed accordingly. The interim order passed in this case on 21.11.2022 staying operation of the impugned order thus comes to an end.

(H.S. MADAAN)
JUDGE

May 24, 2023

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No