

CR-7105-2023

Date of Decision: 24.11.2023

Ravinder Kumar

...Petitioner

Versus

Vinod Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Rahul Sharma, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 07.10.2023 (Annexure P-16) passed by the Ld. Addl. Civil Judge (Sr. Division), Yamuna Nagar at Jagadhri whereby an application filed by the petitioner for tendering documents has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner filed the suit for possession by way of ejectment titled as 'Ravinder Kumar Vs. Vinod Kumar (Annexure P-1) on 26.02.2016 and another suit titled as 'Vinod Kumar Vs. Manohar Lal and another' (including petitioner) was filed by the respondent on 28.04.2016. The petitioner/plaintiff led the entire evidence and thereafter defendant led the evidence and when the case of the petitioner was at the stage of the rebuttal evidence then an application was moved by the defendant for consolidation of both the suits and vide order dated 12.05.2023 (Annexure P-13) both the suits were consolidated and it was ordered that evidence led in case 'Ravinder Kumar Vs. Vinod Kumar' shall be read in both the suits. The plaintiff/petitioner did not get an opportunity to rebut the evidence of the defendant in the second suit. So, plaintiff just want to tender

documents by way of rebuttal whereas plaintiff was entitled to be given opportunity to lead evidence as defendant. The second suit was consolidated with first suit which was at the stage of rebuttal evidence. He further submits that he moved an application (Annexure P-14) for tendering documents regarding i.e. pension card as well as bank record and he would be satisfied if one opportunity is granted to the petitioner to tender the said documents.

3. In the interest of justice, present petition is disposed of and order dated 07.10.2023 (Annexure P-16) passed by the Ld. Addl. Civil Judge (Sr. Division), Yamuna Nagar at Jagadhri is hereby set aside, with a direction to the trial Court to give one opportunity to the petitioner to tender document at own responsibility but subject to payment of costs of Rs.5,000/- to be deposited in the account of concerned District Legal Service Authority.

4. If the respondent is not satisfied with this order, he can move an application for recalling of this order within 30 days.

5. Pending application, if any, shall stand disposed of.

24.11.2023*Parveen kumar***(GURBIR SINGH)
JUDGE**

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No