

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

135

CR No.1137 of 2024

Date of Decision : 26.02.2024

Kailash Rani

....Petitioner

VERSUS

Thakur Dwara Baba Dhari Ram and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kanwaljeet Singh Brar, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging the order dated 20.12.2023 passed by the Trial Court.
2. During the course of evidence, objections were raised by the counsel for the plaintiff-respondent No.1 regarding exhibition of the documents i.e. resolution writing dated 19.04.1947 (Ex.D4), resolution writing dated 18.10.2005 (Ex.D5) and the resolution writing dated 20.10.2000 tendered in evidence by the defendant-petitioner herein, namely, Kailash Rani during her testimony as DW2.
3. An application for secondary evidence was allowed vide order dated 08.11.2023 subject to proof of existence of documents in question and subsequent loss and other exceptions under law. Thereafter, DW2 stepped into the witness-box and tendered documents (Ex.D4 and Ex.D5). At the time of tendering the documents, the counsel for the plaintiff-respondent No.1 raised objections regarding mode of proof. The said objections were

disposed off vide the impugned order dated 20.12.2023 by holding that at this stage the Court could not order de-exhibition of the documents, however, the admissibility of the documents would be seen at the time of final arguments. The plaintiff-respondent No.1 is not aggrieved by the said order, rather it is the defendant-petitioner who has approached this Court on the ground that the documents cannot be de-exhibited. Learned counsel for the petitioner would contend that once the documents have been exhibited there is no provision to de-exhibit the documents.

4. Heard.

5. A perusal of the order dated 20.12.2023 clearly reveals that the Court itself has observed that de-exhibition of the documents cannot be ordered, however, admissibility of the same would be seen at the time of final arguments. In view thereof, the argument raised by learned counsel for the petitioner is wholly meaningless.

6. In view of the above, I do not find any merits in the present revision petition and the same is dismissed accordingly. Pending applications, if any, also stand disposed off.

26.02.2024

jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO