

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**130****CR No.1184 of 2024****Date of Decision : 27.02.2024**

Hatte Singh alias Hate Singh

....Petitioner

VERSUS

Desh Raj

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Bhuwnesh Lakhera, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. Challenge in the present revision petition is to the order dated 24.01.2024 whereby application filed by the defendant-respondent for additional evidence has been allowed.
2. After evidence was closed, an application dated 25.10.2023 was filed by the defendant-respondent for leading additional evidence on the ground that after closing of the evidence of the plaintiff-petitioner the case titled 'State vs. Phool Singh etc.' was decided on 15.02.2023. It was further averred that the plaintiff-petitioner has not approached the Court with clean hands. Reply was filed to the said application. It was stated in the application that copy of the judgment was essential for decision of the present case as the plaintiff-petitioner has concealed the true and material facts. It was further averred that the defendant-respondent never received any amount from the plaintiff-petitioner regarding the mortgage deed. As per the compromise/affidavit, the complainant Abhay Singh was to withdraw the

criminal case, FIR etc. however, he allegedly violated the conditions of the compromise/affidavit. The criminal case was contested by the defendant-respondent and others and the mortgage deed stood cancelled. The defendant-respondent and others were acquitted by the Court vide judgment dated 15.02.2023. Reply was filed objecting to the said judgment being led in additional evidence. The Court vide order dated 24.01.2024 allowed the application on the ground that in the written statement the defendant-respondent had categorically mentioned that Abhay Singh lodged a false FIR No.283 registered at Police Station Model Town against the defendant-respondent and others and it was agreed between the parties that if the defendant-respondent mortgaged his land measuring 12 kanals 16 marlas situated in the revenue estate of village Shailawas in favour of the plaintiff-petitioner then said Abhay Singh would withdraw all the criminal cases against the defendant-respondent and others. It was further pleaded that the defendant-respondent never received the amount of Rs.17,50,000/- from the plaintiff-petitioner and the case was also not withdrawn by the complainant and that now in the garb of the said mortgage deed the plaintiff-petitioner wanted to grab the land of the defendant-respondent. At the time of leading evidence, the defendant-respondent has also placed on record copy of the order dated 23.12.2015, affidavit, certified copy of statements of Abhay Singh and Randhir Singh in the criminal case. Since only certified copy of the judgment dated 15.02.2023 was to be tendered, the Court allowed the application. Hence, the present revision petition by the plaintiff-petitioner.

3. Learned counsel for the plaintiff-petitioner would contend that the said judgment dated 15.02.2023 has no relevance in the present case. It is further the contention that the plaintiff-petitioner herein is not a party to the

said proceedings. On a query by this Court as to how the rights of the plaintiff-petitioner are prejudiced, learned counsel for the plaintiff-petitioner has stated that there is a categoric finding in the judgment dated 15.02.2023 that the amount of mortgage being Rs.17,50,000/- was never paid.

4. Heard.

5. In view of the categoric admission made by learned counsel for the plaintiff-petitioner that there is a categoric finding in the judgment dated 15.02.2023 that the amount was not paid, hence at this stage the application has rightly been allowed. Needless to say, that the evidentiary value of the said judgment would be seen by the Trial Court at the time of final arguments.

6. In view 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.

(ALKA SARIN)
JUDGE

27.02.2024
jk

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