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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

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Date of decision: 08.05.2024

Raj Kumar Bhatia and others

...Petitioners.

Versus

Mamta Bhatia

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. V.K. Sandhir, Advocate
for the petitioners.

Sukhvinder Kaur, J.

By way of present revision petition, the petitioner has challenged order dated 02.04.2024, passed by learned Civil Judge (Junior Division) Amritsar, vide which the application filed by the petitioners/ defendants under Order 7 Rule 14, Order 11 Rule 12 and 14 and application under Order 13 rule 1 read with section CPC, was disposed of by ordering to supply documents to applicants/ petitioners which are in possession of the plaintiff/ respondent.

2. The brief facts relevant for adjudication of the present revision petition are that the respondent/ plaintiff filed suit for permanent injunction restraining the defendants/ petitioners from interfering into peaceful possession of the property plot No.3, 4, 5, 6 and 7 and two plots adjacent to this property, Tung Pai Urban Abadi, Nera Jaura Phatak, Amritsar,

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measuring 900 sq. yards approximately and not to take the possession forcibly and illegally except in due course of law.

3. Upon notice of the aforesaid suit, the petitioners/ defendants appeared and contested the suit by filing the written statement alleging that those plots are the ownership of the petitioners. It was also alleged that the plaintiff was never inducted as tenant in plot No.3, 5 and 7 and that the plaintiff was falsely alleging that she had been making payment of rent to the defendants/ petitioners @ Rs.1,75,000/- per annum. The plaintiff is tenant under defendant No.1 @ Rs.1,75,000/- per annum only in plot No.4.

4. After framing of the issues, as per pleadings of the parties, the case was fixed for evidence of the plaintiff. While leading her evidence plaintiff examined PW2 Varinder Kumar on 01.11.2022, husband of the plaintiff. The said witness tendered as many as 17 documents including one receipt issued by the House Tax Department of Municipal Corporation, Amritsar as Ex.P2/17. It has been alleged that on the said receipt that there were many interpolations by way of addition of names with different ink and pen, which was apparent from the photocopy itself tendered as Ex.P2/17. Learned counsel for the petitioners/ defendants objected to the process of exhibiting the documents being photocopies, which was recorded by the trial court in the order itself. Thereafter, the said witness was cross-examined on 18.11.2022 and on 21.11.2022. During the course of cross-examination the witness denied any such interpolation and addition of words; Pawan Kumar and Usha Rani at point A and B and the original of Ex.P2/17. It was recorded by the trial Court that “the witness is directed to

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produce the original document at the time of final arguments due to objection of the counsel of defendant that the inks are different.” It has been alleged that in order to cover up the alleged misrepresentation and document, the plaintiff/ respondent summoned one clerk from the Department of the House Tax from the Municipal Corporation, Amritsar, who did not produce the original receipt, as the same was in the custody of the plaintiff. Since, the original of Ex.P2/17 was not being produced by the plaintiff in complete violation to the provision of Order 13 Rule 1, the petitioner filed an application under Order 7 rule 14, Order 11 Rule 12 and 14, Order 13 Rule 1 read with Section 151 CPC, for directing the plaintiff/ respondent to produce on record the original of alleged receipt dated 29.02.2012, issued by the House Tax Department of Municipal Corporation, Amritsar. The respondent/ plaintiff filed reply to the said application. The said application was disposed of vide order dated 02.04.2024 by observing that “the application is disposed of with the directions to respondent to supply documents to applicant which are in his possession.” Aggrieved against the said order, the petitioner has knocked the doors of this Court by way of filing the present revision petition.

5. Learned counsel for the revision petitioner has contended that the sole prayer made in the application was only to produce the original of Ex.P2/17 before the trial Court, so that the same could be put to the witness regarding the interpolations and addition of names in the alleged receipt issued by the House Tax Department of Municipal Corporation, Amritsar. He has contended that the trial Court has not considered the settled law and

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provisions of Order 13 Rule 1, whereby it is mandatory for the plaintiff to produce the original documents at or before the settlement of issues. So, Ex.P2/17, which is photocopy, is in complete violation of the provisions of CPC and the evidence Act and the plaintiff/ respondent was liable to be directed to produce the original so as to put to him or any other witness regarding its authenticity and interpolations and addition of names with different hand and ink. In support of his contentions, he has relied upon *Sewa Singh Vs. M/s Ganpati Trading Company, 2015(1) R.C.R. (Civil) 297, Aktiebolaget Volvo Vs. R. Venkatachalam and another, 2010(7) R.C.R. (Civil) 530 and Karnapu Satyanarayana VS. Chappa Venkata Rao, 2010(51) R.C.R. (Civil) 271.*

6. I have heard learned counsel for the petitioners and have gone through the relevant record.

7. During the course of the arguments, it has been submitted by counsel for the petitioners/ defendant that he will be satisfied if the plaintiff/ respondent is directed to produce the original document Ex.P2/17, while recording the statement of the clerk from the House Tax Department of Municipal Corporation, Amritsar, so as to be put to him regarding the authenticity of the said document and interpolation and addition of names with different hand and ink. As original of the document Ex.P2/17 is in possession of the plaintiff/ respondent, so the plaintiff/ respondent is directed to produce the same at the time of recording the statement of the said clerk of House Tax Department of Municipal Corporation, Amritsar, so that he could be effectively cross-examined regarding the alleged

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interpolations and additions in the said document as alleged by the defendant/ petitioners.

8. Revision petition is allowed in the aforesaid terms.
9. All pending applications, if any, also stand disposed of accordingly.
10. Copy of this order be given to learned counsel for the petitioner under the signature of Bench Secretary of this Court.

(SUKHVINDER KAUR)
JUDGE

08.05.2024.

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No