

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CR-6075-2023 (O&M)
Decided on: 12.02.2024

Jagsir Singh

...Petitioner

Versus

Chamkaur Singh

...Respondent

CORAM: HON'BLE MRS JUSTICE RITU TAGORE

Present: Mr. Surinder Garg, Advocate
for the petitioner.

RITU TAGORE, J. (Oral)

1. This revision is directed against the order dated 14.09.2023 (Annexure P-5) passed by learned Civil Judge (Senior Division), Faridkot vide which application filed by respondent for de-exhibiting Ex.P-1 (agreement to sell dated 16.08.2017) was dismissed.
2. Heard.
3. The learned counsel for the petitioner submits that the petitioner has filed a suit for possession, based on agreement to sell dated 16.08.2017 regarding the suit land as detailed in the plaint. Alternately, sought a decree for recovery of Rs.4,13,000/- as part sale consideration and Rs.4,13,000/- for damages.
4. The learned counsel states that respondent filed the reply and denied the claim of the petitioner on merits regarding the sale of the land and

further pleaded that agreement to sell was given as security.

5. Learned counsel further submits during the petitioner's appearance as PW-1, he exhibited the agreement to sell dated 16.08.2017 as Ex.P-1. The respondent did not object to its admissibility at the time. However, later on filed an application dated 05.08.2023 for de-exhibiting the agreement, stating its inadmissibility in evidence, being not prepared in accordance with law, insufficiently stamped, and unregistered. The learned counsel submits that the aforesaid application was dismissed by the learned trial Court by making observation that mere exhibition of the document does not lead to its proof and at the time of appreciation of evidence, the validity and admissibility of the document shall be considered.

6. Learned counsel submits that the learned trial Court should have either dismissed the application or allowed the petitioner to pay the requisite stamp duty with penalty and should not have left open the issue as to the admissibility and validity of the document. Learned counsel submits that the petitioner is ready to pay the requisite stamp duty as well as penalty. On the above said material arguments, learned counsel submits that the order is arbitrary and liable to be set aside.

7. Perusal of the order impugned does not indicate that any prejudice has been caused to the present petitioner. Rather, the application moved by the respondent has been dismissed. The apprehension of the petitioner that if at later stage, the agreement to sell (Ex.P-1) is held not to be admissible as per law, or is impounded, he may suffer prejudice. It is for the petitioner to avail the remedy/ies, if any, available to him under the law for the apprehension entertained by him. As such, there is no illegality in the order. Revision is devoid of merit and is hereby, dismissed.

8. Pending applications, if any, also stands disposed of accordingly.

(RITU TAGORE)
JUDGE

12.02.2024
Rimpal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No