



CR-7896-2018(O&M)

**113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR-7896-2018(O&M)
Date of decision: 16.01.2025**

**Akhil Bhartiya Santnat Satsang Cooperative House Building Society
Ltd.**

..Petitioner

Versus

Abhishek Bhadana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Vijay Kumar Jindal, Senior Advocate
with Mr. Manav Bajaj, Advocate
Mr. Paramveer Singh, Advocate
Mr. Vijayveer Singh, Advocate for the petitioner

Mr. Amit Jain, Senior Advocate
with Mr. Sushil Jain, Advocate for the respondents

ANIL KSHETARPAL, J. (Oral)

1. This revision petition has been filed by the defendant to challenge the interlocutory order passed by the trial court while dismissing his application for rejection/taking off the record/return of documents to the plaintiff. The suit as well as the counter claim filed by the plaintiff and the defendants are pending before the trial court. While concluding oral evidence, the plaintiff reserved right to produce documentary evidence on the next date of hearing. Pursuant thereto, the documents which are part of the official revenue record and per se admissible were produced, however, defendant objected to the production of the documents on the ground that the same cannot be accepted and relied upon. Subsequently, an application was filed by the defendant to the same effect, which has been dismissed.



CR-7896-2018(O&M)

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. Learned senior counsel representing the petitioner while referring to Order VII Rule 14 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') and Order XIII Rule 1 CPC, more particularly amendment brought by the States of Punjab, Haryana and Chandigarh and Rule 2 CPC submits that these documents were required to be produced alongwith the plaint and in any case, the original documents were required to be produced before the settlement of issues. He submits that thereafter the court cannot permit the plaintiff to produce documentary evidence unless the court records satisfaction that these documents could not have been produced by the plaintiff previously.

4. Per contra, the learned senior counsel representing the respondents submits that while leading evidence, the plaintiff has produced these documents and the suit is pending in the first court.

5. This Court has considered the submissions made by the learned counsel representing the parties.

6. It is well settled that rules of procedure are hand maid of justice and not its mistress. The procedural law cannot be given precedence over the substantive rights of the parties. The defendants are yet to lead evidence. They have failed to show prejudice. No doubt, Order VII Rule 14 CPC provides for production of documents alongwith the plaint, however, such procedure should be followed as far as possible. In this case, the plaintiff, while leading oral evidence, did reserve his right to produce documents, which were subsequently produced. The documents as already noticed are



CR-7896-2018(O&M)

per se admissible in view of Section 44 of the Punjab Land Revenue Act, 1887.

7. Keeping in view the aforesaid facts, no ground to interfere is made out.

8. Hence, dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

16.01.2025

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