

JASBIR SINGH v. AMRIK SINGH,(2022-1)205 PLR 463

PUNJAB AND HARYANA HIGH COURT

Before: Mr. Justice H.S. Madaan.

JASBIR SINGH – Petitioner,

Versus

AMRIK SINGH – Respondent.

CR-2360-2021 (O&M)

Suit for Permanent Injunction – Additional evidence – Documents proposed to be tendered in evidence include certified copies of Jamabandies – Can be tendered being per se admissible – With regard to notarized photocopy of sale deed – Merely because a document has been exhibited does not mean that it is admissible in evidence unless it is shown otherwise – Trial Court allowed application the powers under Section 151 [CPC](#), observing that parties should be given every possible opportunity to plead their case by leading evidence, because object of law is to bring justice to the litigants and not to punish them for their omissions and further defendant shall have a right to rebut the proposed documents – Therefore, no prejudice would be caused to then – Order upheld.

Mr. Amit Mehta, for the petitioner.

H.S. Madaan , J. (Oral) – (14th October, 2021) – Plaintiff Amrik Singh had filed a suit for possession by way of specific performance of agreement to sell dated 21.08.2011 executed by defendant in his favour in respect of land measuring 20K-15M situated at Village Uncha Chandna, Sub Tehsil Mustafabad, District Yamuna Nagar on payment of balance sale consideration of Rs.97,75,000/- and consequently for permanent injunction restraining the defendant from alienating that land to anybody else.

2. On getting notice, the defendant appeared and contested the suit. After framing of issues, the parties went to trial. Both the parties were afforded opportunities to lead evidence. Thereafter, the plaintiff filed an application to produce documents by way of additional evidence, contending that those documents are per se admissible being copy of public record and no formal proof thereof is required; moreover same shall be helpful for proper adjudication of the matter in controversy.

3. The application was opposed on behalf of the defendant contending that plaintiff has already availed several opportunities to lead evidence and such documents were not tendered by him when case was fixed for evidence of plaintiff; furthermore documents had

no relevance to the present controversy, therefore the application be dismissed.

4. However, the trial Court vide order dated 8.9.2021 had allowed the application observing that the plaintiff deserved to be given an opportunity to prove his case and defendant shall have a right to rebut the proposed documents.

5. The defendant is feeling aggrieved by such order and has filed the instant revision petition.

6. I have heard the learned counsel for the revisionist besides going through the record.

7. The documents proposed to be tendered in evidence include certified copies of jamabandies for the year 2012-13 for village Kabalpur, 2014-15 of village Rupawali. These jamabandies can certainly be tendered being per se admissible. With regard to notarized photocopy of sale deed No.4210 dated 22.3.2013, notarized photocopy of sale deed No.3133 dated 14.3.2014 and notarized photocopy of sale deed No.3134 dated 14.3.2014, these photocopies are not per se admissible and the trial Court may see the admissibility of documents at the time when those are tendered or even at a subsequent stage keeping in view the fact that merely because a document has been exhibited does not mean that it is admissible in evidence unless it is shown otherwise. The trial Court has allowed the application exercising the powers under Section 151 CPC, observing that parties should be given every possible opportunity to plead their case by leading evidence, because object of law is to bring justice to the litigants and not to punish them for their omissions and further defendant shall have a right to rebut the proposed documents. Therefore, no prejudice would be caused to them. Therefore I do not find any illegality or infirmity with the order in question. The same is certainly not arbitrary or illegal.

8. Therefore, no reason is there to set aside the impugned order.

9. Thus, finding no merit in the civil revision petition, the same stands dismissed.

R.M.S.

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Petition dismissed.