

(1990) 02 P&H CK 0005

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 3513 of 1989

Sh. Jes Raj, Personal
Asth., Pb. State Ind.
Development Corp.
Ltd., Sector 17-a,
Chandigarh

APPELLANT

Vs

Punjab State Industrial
Development
Corporation Ltd. and
Others

RESPONDENT

Date of Decision: Feb. 20, 1990

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Order 18 Rule 17A

Hon'ble Judges: N.C. Jain, J

Bench: Single Bench

Advocate: S.P. Thukral, for the Appellant; A.C Jain, for the Respondent

Final Decision: Allowed

Judgement

N.C. Jain, J.

This revision petition has been directed against the order of the trial Court dated, 15-11-1989 declining the production of additional evidence. By way of additional evidence the Plaintiff wants to prove certain documents which have already been brought on the record of the case. The counsel for the Petitioner has argued that since the documents which have already been brought on the record of the case, had not been admitted, necessity of filing the present application has arisen and it is contended that had the Defendants admitted the documents, the Plaintiff would not have filed an application for proving the documents. While the trial Court has rightly observed that there was no direction of the Court in its order dated 18-10-1988 requiring the Defendants to admit the documents, it cannot be denied that the counsel for the Defendants did undertake to admit or deny the

documents. It remains undisputed before me that uptill now the documents have neither been admitted nor denied.

2. After hearing learned Counsel for the parties, I am of the view that Petitioner's application for additional evidence deserves to be allowed Within the ambit of Order XVIII, Rule 17-A of the Code of Civil Procedure, while interpreting Order XVIII, Rule 17-A of the Code of Civil Procedure, it has been held in Mohinder Singh v. State of Boryana, (1987) 92 P. L.R. 393 that production of such documents should be allowed which are not of doubtful authenticity It has further been held that provisions of Order XVIII, Rule 17-A C.P.C, are not to be interpreted in a manner which defeats the cause of justice. I am in respectful agreement with the view taken by this Court in Mohinder Singh's case (supra). Once the documents have been produced on the record of the case and they have not been admitted the production of additional evidence of those very documents would advance the cause of justice rather than defeat the same. In view thereof, following the dictum of law laid down in Mehinder Singh's case (supra) a good case for production of additional evidence has been made out.

3. In the light of the observations made above, Petitioner's application for leading additional evidence is allowed subject to payment of Rs. 750/- as costs. After the Plaintiff produces his entire evidence, the Defendants would have the right to rebut the same.