

(2014) 09 P&H CK 0042

High Court Of Punjab And Haryana At Chandigarh

Case No: CR No. 5682 of 2013 (O&M)

Sardari Lal and Others

APPELLANT

Vs

Sikander Lal and Others

RESPONDENT

Date of Decision: Sept. 23, 2014

Acts Referred:

- Constitution of India, 1950 - Article 227

Citation: (2015) 177 PLR 706

Hon'ble Judges: Inderjit Singh, J

Bench: Single Bench

Advocate: Namit Khurana, Advocates for the Appellant; Vishwajit Bedi, Advocates for the Respondent

Judgement

Inderjit Singh, J.

Petitioners Sardari Lal and others have filed this revision petition against Sikandar Lal and Santosh respondents under Article 227 of the Constitution of India for setting aside the impugned order dated 30.05.2013 passed by learned Civil Judge (Junior Division), Ludhiana, whereby the application of the petitioner for placing on record original documents in place of the documents which have already been produced in notarized form, has been dismissed. Notice of motion was issued and respondents appeared through their counsel and contested the petition.

2. I have heard learned counsel for the parties and have gone through the record.

3. From the record, I find that Sardari Lal and other plaintiffs have filed a suit against Sikandar Lal and Santosh defendants for mandatory injunction directing the defendants to hand-over the vacant possession of the property/house to the plaintiff and for permanent injunction restraining the defendants from raising any construction over the suit property and further from selling/alienating the same.

4. A perusal of the record shows that an application was filed by the plaintiff-Sardari Lal to produce on record original documents in place of documents produced in notarized form. As per the averments in the application, it is stated that during the evidence of the plaintiff, he has presented documents Ex.P2 onwards but the same were not original and now the plaintiff wants to produce these documents in the Court file by producing the original one. In the reply to this application, defendants submitted that application is not supported by an affidavit and original documents cannot be placed on Court file. It is also stated that when the statements have been concluded, application should be dismissed. They also objected it on the ground of late production of the documents without giving any reason. Learned Civil Judge (Junior Division), Ludhiana, vide impugned order dated 30.05.2013 dismissed this application.

5. As per para No. 4 as given in the petition, Sardari Lal appeared as PW-1 and tendered into evidence his affidavit Ex.PA along with Ex.P1 to P64 and Mark "A" to E". In the chief-examination, it is written that original seen and returned, which means that the original documents have already been produced in the Court but the Court after seeing the original documents, returned the same and the copies of these documents attested by the notary have been placed on the Court file. The perusal of chief-examination as stated in the petition, shows that the documents in question were not objected to even by the counsel for the defendants. In no way, it can be said that these documents were not produced in the Court. Of course, these documents have not been produced along with plaint. For late production, the other party can be compensated by way of costs.

6. Furthermore, at the time of arguments, learned counsel for the petitioner has prayed only for placing all these documents on the Court file and he has contended that he does not want to prove these documents by bringing witnesses etc. If these documents are placed on the record, no prejudice will be caused to the defendants. Rather, it will help the Court to decide the case substantially and finally.

7. As regarding the fact that the application is not supported by an affidavit, I find that the Court should not go into the technicalities of law and should do substantial justice between the parties. In view of the above discussion, the impugned order dated 30.05.2013 passed by learned Civil Judge (Junior Division), Ludhiana is set aside. The application for placing the original documents Ex.P2 to P64 on the judicial file is allowed, subject to payment of costs of Rs. 10000/- which is payable to the defendants-respondents.

Therefore, finding merit in the revision petition, the same is allowed.