
(1993) 01 P&H CK 0010
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 2613 of 1992

Ravinder Kumar

APPELLANT

Vs

Ved Parkash and Others

RESPONDENT

Date of Decision : 07-01-1993

Acts Referred:

Citation : (1994) 107 PLR 83 : (1993) 2 RCR(Rent) 93 : (1993) 2 RCR(Rent) 469

Hon'ble Judges : Ashok Bhan, J

Bench : Single Bench

Advocate : P.K. Gupta, for the Appellant; P.S. Kang, for the Respondent

Final Decision : Allowed

Judgement

Ashok Bhan, J.—Notice of motion was issued. Respondents have put in appearance. With the consent of counsel for the parties, this revision petition is being disposed of at the motion stage itself.

2. Plaintiff-petitioner (hereinafter, referred to as the petitioner) filed a suit against the respondents and in order to prove his case produced PW-1 Banarsi Dass who was stated to be a tenant under the defendant respondents (hereinafter referred to as the respondents). Banarasi Dass produced his receipt which he had obtained from Ved Parkash at the time of relinquishing the possession of the premises and handing over of the hand pump. This receipt was not taken on record by the trial court by making the following observations:-

"The witness wants to place the alleged receipt on the record which has not been relied upon by the plaintiff nor this witness has been summoned with this receipt. The possibility of this receipt having been forged at some subsequent day cannot be ruled out. In these circumstances the plaintiff cannot be allowed to place it on record."

Aggrieved against the order of the trial court in not taking the receipt on record, the petitioner has filed the present revision petition.

3. I have heard the learned counsel for the parties and in my opinion, this revision petition deserves to be allowed.

4. Banarasi Dass had been produced as a witness who was a tenant under the respondents. This was not a document on which reliance was placed by the petitioner and which could have mentioned in the list of documents. The purported receipt is alleged to have been issued by the respondents and they would be given a chance to rebut the same when they step into the witness box or by producing any other evidence. At this stage, receipt should have been taken on the record and the trial court committed an error in not exhibiting the same.

5. Accordingly, this revision petition is allowed. The impugned order of the trial court is, set aside. The receipt produced by Banarsi Dass is ordered to be taken on record. The trial court would exhibit the same and proceed with the matter in accordance with law. The parties through their counsel are directed to appeal before the trial court on 15.2.1993. No costs.