
(2011) 08 P&H CK 0004
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 4974 of 2011

Sultan and Others

APPELLANT

Vs

Satbir Singh and Others

RESPONDENT

Date of Decision : 18-08-2011

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 151

Citation : (2011) 08 P&H CK 0004

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.—The present revision petition has been filed praying that the order dated 16.2.2010 (Annexure P3) whereby the evidence of petitioners/defendants was closed by order and the order dated 1.8.2011 (Annexure P6) whereby their application to place certain documents on record was declined, be set aside.

2. Mr. S.S. Kharb, Advocate, appearing for the petitioners/defendants, has submitted that the plaintiffs/respondents No.1 to 3 had filed a suit for permanent injunction restraining the defendants from interfering in their peaceful possession over the agricultural land. He has further submitted that on 16.2.2010 the trial Court had ordered that the defendants could not examine further witnesses but had only adjourned the case for cross-examination of witnesses, who had already tendered affidavit in examination-in-chief.

He has further submitted that an application u/s 151 CPC was filed later by the petitioners praying therein that they be permitted to place on record the order of status quo dated 18.1.2011, passed by the Financial Commissioner, Haryana, which is annexed with the present petition as Annexure P8, along with the latest jamabandi for the year 2007-08 (Annexure P9) and khasra girdawari for the year 2009-10 (Annexure P10) on record of the suit file, so that the same is taken for consideration.

3. During the course of arguments, learned counsel for the petitioners submits that if the petitioners are permitted to place on record a certified copy of the interim order dated 18.1.2011 (Annexure P8), passed by the Court of Financial Commissioner, Haryana and a certified copy of the jamabandi for the year 2007-08 (Annexure P9), he will not urge that khasra girdawari (Annexure P10) be also placed on record. He has very fairly submitted that the petitioners were not diligent enough to bring these documents on record, however, he submits that the journey of the Court is to find truth but not to punish the ordinary litigant for bonafide mistake or lapse. He further submits that if these documents are taken on record, it will neither prejudice opposite party nor cause unnecessary delay in culmination of the proceedings. He also submits that for the delay caused in culmination of the proceedings, the petitioners are ready and willing to compensate the plaintiffs in monetary terms.

4. After hearing learned counsel for the petitioners, the present revision petition is disposed of by permitting the petitioners to place on record a certified copy of the interim order dated 18.1.2011 (Annexure P8), passed by the Court of Financial Commissioner, Haryana and a certified copy of the jamabandi for the year 2007-08 (Annexure P9). It will not further delay the culmination of the proceedings as according to the counsel's statement at bar the case is still fixed for rebuttal evidence of the plaintiff/respondents. The trial Court is also directed to take the above said documents on record, subject to payment of costs of Rs. 5,000.