

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.1165 of 2015.
Decided on:-19.2.2015.

Ram Singh and anotherPetitioners.

Versus

Baldev Singh and othersRespondents.

CORAM: HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON.

Argued by:- Mr. Yowan Sharma, Advocate
for the petitioners.

Dr. Bharat Bhushan Parsoon, J.

Counsel for the petitioners impugning order dated 6.2.2015 whereby application of the petitioners for additional evidence was declined, referring to para No.2 of the plaint (Annexure P-1) urges that in an earlier litigation, a preliminary decree of partition was passed on 7.9.2002 and referring to para No.3 states that final decree thereof was drawn on 10.2.2011. He confines his prayer only for putting these documents in evidence claiming that these documents are well within the knowledge of the defendants as foundation of the suit has been laid in para Nos.2 and 3 of the plaint, wherein these documents have duly been mentioned and even witnesses of the plaintiffs, petitioners herein, were cross-examined on this aspect.

2. Since no prejudice is being caused to the defendants,

respondents herein, and the documents which are beyond manipulation are already mentioned in para Nos.2 and 3 of the plaint of the petitioners herein, setting aside the impugned order, request of the petitioners to the extent of adducing documents i.e. copy of preliminary decree of 20.7.1996 and copy of final decree dated 10.2.2011 of the earlier litigation is allowed subject to payment of costs of Rs.5,000/- to be paid to the opposite side. If this evidence is led, the defendants would have an opportunity to produce evidence in rebuttal thereto, as well.

3. As the suit is at the final stage, the same shall be decided by the lower court within three months from the date of receipt of certified copy of this order.

4. Disposed of in these terms.

February 19, 2015
'Yag Dutt'

(Dr. Bharat Bhushan Parsoon)
Judge

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. Whether to be referred to the Reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes