

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

C.R No.1354 of 2015 (O&M)  
Date of Decision.04.03.2015

Gurpal Singh and others

.....Petitioners

Versus

Hari Singh and others

.....Respondents

Present: Mr. H.R. Bhardwaj, Advocate  
for the petitioners.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

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

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**K. KANNAN J. (ORAL)**

**C.M. No.4755-CII of 2015**

Application is allowed as prayed for.

**C.M. No.4756-CII of 2015**

Application is allowed.

The case is preponed for hearing today itself.

**C.R. No.1354 of 2015**

1. The plaintiffs on whom the burden lies for proof that the properties are ancestral properties has a grievance that her application for additional evidence was not permitted to be taken after the case of the defendant was closed. The petitioners ought to have produced the document even initially when the case was presented since the burden of proving the property to be ancestral property was wholly on the plaintiffs. If they let go the opportunity and they moved an application for additional evidence belatedly, I would only find this to be an occasion

where appropriate justice would be been done if costs was imposed.

2. I thought for a while about notice that would be required to be issued to the respondents but it would mean only further delay in prosecution of the case. The interest of justice would be best met for the petitioners by imposing costs of ₹ 10,000/- for the indiscretion of not allowing for the document to be brought at an appropriate time. The order passed already is set aside even without service of notice to the respondents on condition that the petitioners pays ₹ 10,000/- as costs to the respondents within a week from the date of receipt of copy of this order. The trial Court will allow this document to be brought on record with such evidence as it is appropriate and the respondents will also have an opportunity to let in further rebuttal evidence if they choose to do so.

3. The civil revision is disposed of. The respondents will be at liberty to approach this Court for any modification if there is any suppression of fact made by the petitioners in the manner of securing the order.

**(K. KANNAN)**  
**JUDGE**

**March 04, 2015**  
Pankaj\*