

CR No.1972 of 2013 (O&M)
Date of Decision : 23.07.2015**Krishna Devi**

....Petitioner

Versus**Shamsher Singh and others**

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDIPresent : Mr. Ranjit Saini, Advocate
for the petitioner.Ms. Vandana Dogra, Advocate for
Mr. Rajiv K. Kapila, Advocate
for respondent No.1.

None for respondents No.2 and 3.

M.M.S. BEDI, J. (ORAL)

This is plaintiff's revision petition against order dated 8th March, 2013 passed by Additional Civil Judge (Sr. Division), Mukerian, by virtue of which an application filed by the plaintiff-petitioner for production of allotment letter in the name of father-in-law of the plaintiff-petitioner has been refused to be produced on record, as evidence.

Learned counsel for the plaintiff-petitioner has submitted that the document is the attested copy of the allotment letter of the plot in dispute and the same was not earlier available with the plaintiff-petitioner.

With the assistance of learned counsel for the plaintiff-petitioner, I have gone through the contents of the plaint (Annexure P1) and find that the claim of the plaintiff-petitioner in the plaint is that Ranjha, father-in-law of the plaintiff-petitioner was owner in possession of the plot in dispute. The plaintiff-petitioner derives right, title and interest in the

property in dispute through said Ranjha after his death.

On asking of the Court, learned counsel for the plaintiff-petitioner has shown photocopies of the sanad, declaration form and the site-plan which forms part of the record of Rehabilitation Department. The chance of fabrication of the documents is meagre. The said documents appear to be relevant for the just decision of the case.

Since, the documents appear to be necessary for the just decision of the case, the trial Court should have permitted the said documents to be proved in accordance with law.

The impugned order dated 8th March, 2013 is hereby set aside. It is ordered that plaintiff-petitioner will be permitted to prove the documents. The application for additional evidence is allowed, subject to payment of costs of Rs.5000/-. The trial Court shall permit the plaintiff-petitioner to examine the witness from the concerned Department to prove the documents mentioned hereinabove. The trial Court shall make endeavour that the entire exercise of production of additional evidence be completed within a period of two months from the date of next hearing in accordance with law.

Disposed of in the above terms.

Parties are directed to appear before the trial Court on 22nd August, 2015 or the date already fixed, whichever is later, for further proceedings in accordance with law.

July 23, 2015
Dpr

(M.M.S. BEDI)
JUDGE