

**SIN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.183 of 2014 (O&M)

Date of decision: 14.08.2015

Santosh Kumar Jain

.....Petitioner

versus

Davinder Kumar Jain and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Mansur Ali, Advocate for the petitioner
Mr.Amit Jain, Advocate for respondent Nos.1 and 2
Mr.Arvind Seth, Advocate for respondent Nos.3 and 4

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 19.12.2013, passed by the learned Additional District Judge, Panchkula, vide which the application of the present petitioner under Order 41 Rule 27 read with Section 151 CPC was dismissed.

Briefly stated, there is a dispute regarding nature of the street i.e. private or public. The suit of the opposite party was decreed. In the appeal, the present petitioner wants to produce (i) certified copy of the site plan regarding the house of the plaintiff and his brother sanctioned by the Municipal Committee on 24.11.1983 (ii) certified copy of the judgment dated 15.10.1959 passed by the then District Ambala in an appeal titled as Municipal Committee v. Rajender Jain and (iii) the attested copy of the water connection

No.6462.

Learned Additional District Judge observed that a copy of the judgment dated 10.8.1955 passed by the trial Court is already on file as Ex.D1. Therefore, copy of the judgment passed in appeal need not to be produced.

Regarding the site plan and water connection receipts, it was stated that sanctioned site plan has no concern with the street nor even the water connection receipts would assist the court in proper adjudication of the matter.

I have heard learned counsel for the parties and have carefully perused the file.

So far as production of the copy of the judgment of the appellate Court is concerned, once the copy of the trial Court judgment is there and it is not alleged that the judgment was reversed, the production of the judgment of the appellate Court will be useless exercise. So far as sanctioned site plan is concerned, copy of the site plan produced along with the appeal shows that a private building plan was sanctioned wherein towards the top of the site plan, the word 'public' has been scored out and 'private' has been written. It bears the signatures of somebody. This site plan will not prove that in the Municipal record the street is mentioned as private street. The definition of public street is given in the Haryana Municipal Act, 1973. The parties are required to prove that said street falls within the definition of the public street. One private site plan will not prove that it is a private street nor the water connection receipts will prove that it is a private street.

It being so, the additional evidence sought to be produced

was rightly held to be unnecessary and application was rightly dismissed.

Consequently, I do not find any merit in the revision and the same is dismissed.

14.08.2015
gk

(Kuldip Singh)
Judge