

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 2173 of 2015 (O&M)
Date of decision: 7.7.2015

Chanan Singh

.. Petitioner

v.

Karnail Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner.
Mr. Vipin Mahajan, Advocate for respondent No. 1.
Mr. N. K. Vadehra, Advocate for respondent No. 3.

...

Rajesh Bindal J.

One of the defendants has filed the present petition impugning the order dated 10.3.2015, passed by the learned court below, whereby the application filed by him for leading additional evidence, was dismissed.

In the case in hand, respondent No. 1-plaintiff filed a suit for declaration to the effect that he is co-owner in possession of the suit land. After the entire evidence of the parties was concluded, the appellant-defendant filed application seeking permission to lead additional evidence, which was rejected by the court below.

Learned counsel for the petitioner, while assailing the order, submitted that copies of two mutations bearing Nos. 875 and 1600 pertaining to the year 1950, were produced in court in evidence, however, certified copies thereof could not be produced, the same being old. The petitioner is more than 90 years of age. Certified copies of the mutations are *per se* admissible in evidence. In support, reliance was placed upon judgment of this court in Banwari Lal and others v. Saraswati and others,

2014 (2) PLR 486.

On the other hand, learned counsel for respondent No. 1 submitted that the impugned order clearly suggests that the documents were produced on record and marked in the year 2007. There was ample time to get certified copies thereof and produce the same in evidence. The object is merely to delay the proceedings. He further submitted that even the documents sought to be produced in evidence are not in court language as the same are in Urdu. In support of his contentions, he placed reliance upon judgment of Rajasthan High Court in Hanuman Singh v. Suman Kanwar, 2014 (1) CivCC 245.

Heard learned counsel for the parties and perused the paper book.

In my opinion, the present petition deserves to be allowed. Copies of two mutations bearing No.s 875 and 1600 have already been produced on record by the petitioner. These are more than 60 years old documents. The petitioner is more than 90 years of age. The stand is that he could get certified copies thereof now. No doubt as claimed, these are in Urdu language, but the petitioner will have to produce certified translated copies thereof in court language. There is no scope of tampering of record. No cost is being imposed as the petitioner is more than 90 years of age. While setting aside the impugned order passed by the court below, the present petition is allowed. The petitioner be given opportunity to do the needful, as directed.

(Rajesh Bindal)
Judge

7.7.2015
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