

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

CR No. 3213 of 2015 (O&M)

Date of decision : 13.5.2015

Sandeep Kumar and another

.. Petitioners

versus

Smt. Bimla Devi and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Rajneesh Chadwal, Advocate, for the petitioners.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 17.3.2015 passed by the learned Court below whereby the application filed by respondent no. 1/ plaintiff seeking permission to lead additional evidence was allowed at the Appellate stage.

In the case in hand, the suit was filed by respondent no. 1/ plaintiff claiming that property is joint Hindu and coparcenary property. During the pendency of the appeal, application was filed seeking to produce jamabandi for the years 1960-61, mutation no. 427 dated 5.11.1967 and jamabandi for the years 1962-63 which, according to the applicants, clearly establish that the property is ancestral. The prayer was made to tender the certified copies of these documents which are per se admissible in the evidence. The application having been allowed, the order has been impugned in the present petition.

Learned counsel for the petitioners submitted that respondent no. 1/ the plaintiff had not fulfilled the pre-conditions laid down for permission to lead additional evidence, that too, at the appellate stage. It has not been pleaded as to how the document came to their notice and due diligence has not been pleaded. Why documents could not be produced earlier has not been explained. Hence, the application deserves to be dismissed.

After hearing learned counsel for the petitioners, I do not find any reason to interfere with the impugned order. The documents, certified copies of which are sought to be produced, are revenue records, which are more than 50 years old and cannot be tampered with. The learned Court below has rightly observed that the documents will assist the court in proper adjudication of the dispute, hence, allowed the prayer.

I do not find that the reasons assigned by the learned Court below are erroneous. No interference is called for in the present petition. Accordingly, the same is dismissed.

13.5.2015
vs

(Rajesh Bindal)
Judge