

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 4380 of 2014 (O&M)
Date of decision: 14.7.2015

Smt. Omi and others

.. Petitioners

v.

Sube Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Parveen Hans, Advocate for the petitioners.

Mr. Sudhanshu Makkar, Advocate for the respondents.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 28.5.2014, passed by the learned court below, whereby the application filed by the petitioners for leading additional evidence, was partly rejected.

Learned counsel for the petitioners submitted that prayer was made by the petitioners seeking permission to produce certified copies of the revenue record, which is *per se* admissible, however, the learned court below, while allowing part of the prayer made in the application, partly rejected the same pertaining to some of the revenue record. The record is such, which cannot be tampered with. It was old record, certified copies of which could not be obtained earlier. The parties to the dispute are related. The *lis* will be finally decided, in case the entire old revenue record comes on record.

On the other hand, learned counsel for the respondents submitted that evidence of the plaintiffs was closed on 25.11.2011. It is nowhere pleaded that the record sought to be produced was not within their knowledge. Photo copies of the documents, which were permitted to be

produced in additional evidence, were already on record. The object is to fill in the lacuna.

After hearing learned counsel for the parties, in my opinion, the prayer made by the petitioners seeking permission to produce certified copies of the revenue record to the extent of jamabandis for the years 1903-04, 1907-08, sizra 1907-08 and jamabandi for the year 1943-44 deserves to be allowed. The record is very old. The parties to the dispute are related. The property in dispute is sought to be claimed to be ancestral. No doubt, there is some lapse on the part of the petitioners, however, still considering the fact that the record, which is sought to be produced, cannot be tampered with, in my opinion, the same deserves to be allowed to be produced in additional evidence, as certified copies thereof are admissible in evidence.

For the reasons mentioned above, the present petition is allowed. The petitioners are permitted to produce certified copies of jamabandis for the years 1903-04, 1907-08, sizra 1907-08 and jamabandi for the year 1943-44, along with translated copies thereof, if required, on record by way of additional evidence. The respondents shall be entitled to cost of ₹ 5,000/- each, which shall be paid by the petitioners by way of demand draft.

(Rajesh Bindal)
Judge

14.7.2015
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