

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

(111)

CR No.4736 of 2015

Decided on: July 30, 2015.

Jota Singh

.... Petitioner

Versus

Nachattar Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Vikram Anand, Advocate,
for the petitioner.

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

Vide impugned order, an application filed by the plaintiff-petitioner requesting the Court for getting prepared an excerpt pertaining to the property in the name of Gurbachan Singh @ Bachan Singh as "karta" of the Joint Hindu Family of plaintiff and defendants, has been dismissed.

Learned counsel for the petitioner has submitted that the Court has got jurisdiction under High Court Rules and Order, Chapter IX Volume I to utilize the service of the Special Kanungo or Patwari Muharrir for such excerpts.

I have heard learned counsel for the petitioner and gone through the application filed by the plaintiff and nature of the litigation.

As per the requirement of above said Chapter IX, an application must state clearly the point on which information is required. Court can return the application in case the said condition is not fulfilled. It is also important to note that the excerpt of Special Kanungo or Patwari Muharrir is not evidence and it should not be treated as such unless until it

is proved on the basis of the original record. In view of the nature of the claim of the plaintiff-petitioner a roving inquiry is sought to be done by way of filing an application for excerpt.

I do not find any ground to interfere in the order.

The revision petition is dismissed without prejudice to the right of the petitioner to file an appropriate application. It will be open to the Court to consider the nature of the litigation and the point on which the information is required and decide the application at appropriate stage.

(M.M.S. BEDI)
JUDGE

July 30, 2015
harsha