

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

213

CR No.4645 of 2013

DATE OF DECISION: March 17, 2015.

Jiwan Singh

....Petitioner.

VERSUS

Kabal Singh and others

....Respondents.

CORAM : HON'BLE MRS. JUSTICE SABINA

Present: Mr. Naresh Prabhakar, Advocate
for the petitioner.

Mr. Himanshu Puri, Advocate
for respondents no.1, 3 and 4.

SABINA, J.

Petitioner has filed this petition challenging the order dated 30.04.2013, whereby application moved by the petitioner for permission to lead additional evidence, was dismissed.

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

Respondents no.1 to 4 have filed suit for declaration that they alongwith defendants no.3 and 4 be declared owners in possession of the property in question and have challenged the sale deed dated 23.12.1993 executed in favour of Savinder Singh.

During the pendency of this petition, the petitioner/defendant no.2 moved an application for permission to lead additional evidence. By way of additional evidence, petitioner wants to prove on record sale deed

dated 28.09.1993 bearing vasika no.831. The case of the petitioner was that in fact, two sale deeds were executed on 28.09.1993 bearing vasika nos.830 and 831. Mutation No.7409 was sanctioned on the basis of the said sale deeds on 01.10.1993. So far as the sale deed bearing vasika no.830 dated 28.09.1993 and mutation no.7409 dated 01.10.1993 are concerned, the same have already been proved on record by the petitioner. Sale deed dated 28.09.1993 bearing vasika no.831 could not be proved on record due to inadvertance as the petitioner was under the impression that qua the entire property only one sale deed had been executed whereas two sale deeds had been executed on the same day. The plea taken by the petitioner appears to be probable. Moreover, mutation sanctioned on the basis of sale deed dated 28.09.1993 bearing vasika no.831 has already been proved on record and sale deed bearing vasika no.830 dated 28.09.1993 has also been proved on record.

In these circumstances, it would have been appropriate to grant one opportunity to the petitioner to prove on record sale deed bearing no.831 dated 28.09.1993 with regard to Khasra No.86//56(0-10).

Accordingly this petition is allowed. Trial Court is directed to grant one effective opportunity to the petitioner to enable him to prove sale deed dated 28.09.1993 bearing vasika no.831 on record at his own risk and responsibility.

**(SABINA)
JUDGE**

March 17, 2015.

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