

CR No. 4993 of 2014 :-1-:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4993 of 2014

Date of Decision: November 27, 2015

Randhir & another

.... Petitioners

vs.

Dhire & another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Satish Goel, Advocate
for the petitioners.

Mr. M. S. Kathuria, Advocate for
Mr. Rakesh Nehra, Advocate
for the respondents.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision order dated 18.07.2014 passed by learned Civil Judge(Jr. Division) vide which the application of the present petitioners/plaintiffs for additional evidence was dismissed.

By way of additional evidence plaintiff wants to produce the report of Local Commissioner Ex. C-1 along with the site plan. It is stated that in the previous suit title **Daler Singh versus Ratni** the

suit was dismissed holding that suit property falls in Khasra No.1375 not in Khasra No.1376. The present suit is filed regarding portion 'ABCDEFGH' claiming that it is part of Khasra No.1375. The lower Court dismissed the application with the following observations:-

In the present case, if it is taken that the demarcation report filed in civil suit No.269 of 1994 is true, even then such would not affect the merits of the case. I have perused the judgment of civil suit No.269 of 1994, referred by the applicant. In that suit it was in dispute that whether the plaintiff is entitled for the possession shown by letter ABC in site plan, being the part of Khasra No.1376. In the present plaint, plaintiff/applicant has claimed the possession of land shown by letter ABCDEFGH in the site plan of present plaintiff, which is claimed to be the part of Khasra No.1375. In judgment of civil suit No.269/94, it has been clearly held that plaintiff and defendant in that suit are separately owner of Khasra No.1376 and 1375 respectively. The present plaintiff has claimed the land of letter ABCDEFGH as part of Khasra No.1375. The present defendant has claimed the land of letter ABCDEFGH as part of Khasra No.1376. The plaintiff had to establish that letter shown by letter ABCDEFGH is the part of Khasra No.1375 which can not be established by leading the report of local commission of civil suit No.269/94. Therefore, the exercise of plaintiff to prove the report of local commission by bringing the entire record of civil suit No.269/94 is of no purpose.

I am of the view that in the present suit is for possession

of a particular portion of Khasra No. 1375. Therefore, in this case the plaintiff is required to independently prove that the said portion is part of Khasra No.1375. In the previous suit Daler Singh versus Ratni plaintiff was not party

In view of the matter I agree with the above observations recorded by the lower Court.

Accordingly the present revision is dismissed.

November 27, 2015
rimpal

(KULDIP SINGH)
JUDGE