

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

(1) CR No.6350 of 2014.
Decided on:-15.1.2015.

Raj Rani.Petitioner.

Versus

Municipal Committee, Kaithal and anotherRespondents.

(2) CR No.6373 of 2014.

Kavita Rani.Petitioner.

Versus

Municipal Committee, Kaithal and anotherRespondents.

(3) CR No.6374 of 2014.

Lata Goyal.Petitioner.

Versus

Municipal Committee, Kaithal and anotherRespondents.

CORAM: *HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON.*

Present:- Mr. Rajinder Goyal, Advocate
for the petitioners.

Dr. Bharat Bhushan Parsoon, J.

These three civil revision petitions are being decided together as these have common facts and circumstances and are inter-connected. However, for convenience and clarity, facts are being taken from Civil Revision Petition No.6350 of 2014.

2. Counsel for the petitioner has not made compliance of order dated 18.9.2014 of this Court and urges that no such record is readily available. It is claimed that the sale deed in favour of the petitioner is valid and legal and it is to be proved that proprietors of the village having their share in Khasra No.459 having sold the same, make the title of the petitioner-plaintiff clear and clean. Evidence in this respect is sought to be produced from the revenue record as well as from the municipal record.

3. At the stage of production of rebuttal evidence by the plaintiff, petitioner herein, and for arguments i.e. when the suit was being concluded, an application for leading additional evidence was filed by the plaintiff for proving that notwithstanding Khasra No.459 having been recorded as 'pond' in the revenue record, it is within the municipal limits, Kaithal and there is human habitation thereon.

4. Finding a tough contest from the opposite side and considering all the aspects when neither any document had been produced before the court below to show that Khasra No.459 is a village pond nor it is shown that proprietors have a right, title and interest therein to further sell the same, the learned lower court was right to observe that Khasra No.459 though is a Johar but the same vests in Municipal Council, Kaithal. There is no material made available on record before the court below to show that there is any other construction having validly been raised on Khasra No.459 which is

subject to levy of house tax. Even in the present petition, counsel for the petitioner-plaintiff when is called upon to convince this Court about validly raised construction in Khasra No.459 which is subject to levy of house tax, counsel for the petitioner has drawn blank and has stated that he is yet to get this information through the Right to Information Act, 2005 and is not in possession of any such document at this moment.

5. The impugned order dated 25.8.2014 (Annexure P-5) vide which application (Annexure P-3) for leading additional evidence was dismissed by the lower court, is not only very well-written but also takes into account all the attending facts and circumstances. The suit is at the final stage. This petition is nothing but a ruse to delay and dilate the proceedings further to prolong the possession in the garb of sale deed, validity and legality of which is in dispute.

6. Keeping in view the totality of facts and circumstances as discussed earlier, affirming the impugned orders passed by the lower court, all the three revision petitions, being devoid of any merit, are dismissed.

January 15, 2015
'Yag Dutt'

(Dr. Bharat Bhushan Parsoon)
Judge

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. Whether to be referred to the Reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes