

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

CR-6681-2015

Date of decision-08.10.2015

SUNIL TYAGI AND ORS

...Petitioners

VS

STATE OF HARYANA AND ANR

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:-Mr. Munish Mittal, Advocate
for the petitioners.

This revision petition has been directed against the order dated 25.09.2015 vide which application for additional evidence filed by the plaintiff has been dismissed. Following three documents are sought to be brought on record by way of additional evidence:-

“(i) Original letter No.1379 dt. 22.1.2007 issued by Land Acquisition Officer, Panchkula, received by respondents under RTI Act along with certified copies of relevant papers showing the detail of disbursement of compensation amount between the joint owners as per jamabandi.

(ii) Certified copy of letter No.5751 dated 22.5.2007 issued by Land Acquisition Officer, Panchkula received by respondents under RTI alongwith certified copies of relevant papers showing the detail of disbursement of compensation amount between the joint owners as per jamabandi.

(iii) Certified/attested copies of mutation No.264, 265, 266, 268, 269, 270, 272, 291, 292, 311, 315, 316, 317, 318 which are relevant documents to show that the petitioners Narender etc. have already sold their share from the land in dispute bearing Khasra nos.1062 and 1063.”

Trial Court has recorded the finding that these three documents were produced in the civil suit titled as Narender Vs. Ravinder Chander etc.

but the same could not be exhibited and ultimately civil suit was dismissed vide judgment and decree dated 24.12.2012. The plaintiff remained unsuccessful before Lower Appellate Court as well as in regular second appeal filed before this Court. Question of title has already been decided in these proceedings.

Now these very documents are sought to be produced in a petition under Section 30 of the Land Acquisition Act, seeking apportionment of compensation. Since the title qua the land in question has already been finally decided up to this Court, therefore, the proposed documents in the context of proving title in the present proceedings are not relevant. Trial Court has recorded the findings in the context of knowledge and diligence on the part of the applicant. Even otherwise these documents are not considered in terms of satisfaction of the Court to hold in any manner that these are required for just decision of the case.

It is settled principal of law that if something remains obscure, it can be filled by way of additional evidence at any stage of trial, if in the opinion of Court, the documents are such which go to the very root of the case and the Court thinks production of additional evidence is for just and proper decisions of the case. In considered opinion of this Court, these documents have been produced in earlier litigation but could not be exhibited and considered by the Court and ultimately decision was given in respect of title of the land in question. This ultimately attained finality right up to regular second appeal, therefore, interference in this revision petition is not at all warranted.

Dismissed.

October 08, 2015

vanita

**(RAJ MOHAN SINGH)
JUDGE**