

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.6730 of 2013 (O&M)

Date of decision: 21.08.2015

Krishan Gopal and others

.....Petitioners

versus

Nasib Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Pritam Saini, Advocate for the petitioners
Mr.R.S.Budhwar, 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.

Impugned in the present revision is the order dated 20.9.2013, passed by the learned Additional District Judge, Kurukshetra, vide which application of the present petitioners under Order 41 Rule 27 read with Section 151 CPC was dismissed.

Briefly stated, the petitioners/plaintiffs have filed a suit for permanent injunction before the learned Civil Judge, Senior Division, Kurukshetra, for restraining the defendants/respondents from illegally dispossessing them from the land bearing Khasra No.248. The suit was dismissed by the lower Court. The plaintiffs preferred an appeal before the learned Additional District Judge, Kurukshetra, wherein they moved an application to lead additional evidence under Order 41 Rule 27 CPC praying for production of (i) copies of jamabandis for

the years 1977-78, 1982-83, 1987-88 (ii) copy of mutation No.318 dated 14.6.1991 (iii) copies of Rapat Rojnamcha No.105 dated 9.11.1983, Rapat Rojnamcha No.29 dated 23.9.2004 and (iv) a certificate issued by the Halqa Patwari dated 27.8.2012. It is stated that the production of the said record is necessary for the just decision of the case.

Learned Additional District, Kurukshetra vide the impugned order dismissed the application.

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

Perusal of the copy of the judgment of the lower Court shows that the plaintiffs/petitioners claimed possession over khasra No.248, which is disputed by the other party. According to the learned counsel for the petitioners, they did not know as to how the change of name of Nasib Singh –defendant has taken place in the jamabandi for the years 1977-78 and 1982-83 and how the original register of khasra girdawari from years 1983 to 1988 has been lost. The said record could not be produced despite due diligence. It is argued that the revenue record was wrongly corrected, regarding the possession over khasra No.248 without any direction from any authority. Plaintiffs want to prove the said factum and prove their possession.

I am of the view that Courts are meant to do justice. If the plaintiffs failed to prove some record for one or the other reason or the record was not within their knowledge and claim that some changes in the revenue record have been made without following the

procedure and rules, they should be allowed to produce the said evidence.

Accordingly, additional evidence prayed for is allowed. The impugned order dated 20.9.2013, passed by the learned Additional District Judge, Kurukshetra is set aside and the revision is allowed. Petitioners are allowed to lead additional evidence as prayed for subject to payment of Rs.2000/- as costs to be opposite party.

21.08.2015
gk

(Kuldip Singh)
Judge