

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

**CR No. 7773 of 2014 (O&M)
Date of Decision: 09.04.2015.**

Makhan Singh and another .. Petitioners
versus
Major Singh Dhillon and others .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Anupam Singla, Advocate for the petitioners.
Mr. Pankaj Katia, Advocate for respondent No.1.

Rajesh Bindal, J.

The challenge in the present petition is to order dated 21.10.2014, passed by the Court below, whereby the application filed by the petitioners for leading additional evidence in the form of certified copy of Rapat No.443 dated 20.05.1986, was rejected.

At the very outset, learned counsel for respondent No.1/plaintiff submitted that he does not have any objection to the prayer of the petitioners being granted, however, the same may be subject to payment of some cost. He has further submitted that as entire evidence in the suit has already been completed and the same is pending before the Court below for the last seven years, learned Court below be directed to dispose of the same at the earliest.

Considering the submissions made by learned counsel for the parties, the present petition is allowed and the impugned order dated 21.10.2014 is set aside and the petitioners are permitted to produce certified copy of rapat No.443 dated 20.05.1986 before the Court below in their evidence.

Learned counsel for the petitioners submitted that the next date of hearing fixed before the Court below is 14.04.2015 which, in fact, is a holiday. The petitioners shall be entitled to produce the certified copy of the aforesaid rapat in the Court on the next date of hearing to be fixed after 14.04.2015.

Considering the facts that respondent No.1 is an N.R.I and parties to the dispute are real brothers, I do not deem it appropriate to impose any cost upon the petitioners to be paid to respondent No.1, however, they shall deposit a sum of ₹ 5,000/- with the District Legal Services Authority, Bathinda.

09.04.2015

Manoj Bhutani

(Rajesh Bindal)
Judge