

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

Civil Revision No.8227 of 2015

Date of decision: 04.12.2015

Sukhdev Singh and others

.....Petitioners

Versus

Mukhtiar Singh and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Hitesh Verma, Advocate,
for the petitioners.

Ritu Bahri, J.

Challenge in this petition is to the order dated 03.09.2015 (Annexure P-1) passed by the Civil Judge (Senior Division), Barnala, dismissing an application filed by plaintiffs-petitioners for permission to tender certified copy of order dated 07.05.2015 in rebuttal evidence.

Plaintiffs-petitioners filed a suit for possession of 16 Marlas of land out of 1 Kanal 12 Marlas, comprising Khata No.489, Khasra No.545 as per Jamabandi for the year 2002-03, situated in village Rajoke, Tehsil Tapa, District Barnala, alleging that the defendants-respondents have encroached upon the same in their absence. In this suit, the trial Court had proceeded to record evidence of the parties without framing of issues. Thereafter, the issues were framed after conclusion of evidence of both the parties vide order dated 28.10.2015. At the same time, after conclusion of evidence of the defendants-respondents, the petitioners filed an application for tendering certified copy of the order dated 07.05.2015 in rebuttal evidence, which was

dismissed vide impugned order dated 03.09.2015 (Annexure P-1).

In the present case, the trial Court has proceeded strangely to frame the issues on 28.10.2015 after conclusion of evidence of both the parties. Moreover, certified copy of order dated 07.05.2015 passed by Naib Tehsildar, Tapa, in File No.14 dated 16.12.2014, vide which, Halqa Patwari was directed to correct the Khasra Girdawari of land measuring 84 Kanals 4 Marlas in the name of the plaintiffs-petitioners, would be a necessary piece of evidence for proper adjudication of dispute between the parties. Therefore, the application of the petitioners should have been allowed by the trial Court.

In view of the above, the impugned order dated 03.09.2015 is set aside and the plaintiffs-petitioners are permitted to tender certified copy of order dated 07.05.2015 in rebuttal evidence.

Allowed accordingly.

04.12.2015
ajp

(RITU BAHRI)
JUDGE