

Civil Revision No.1447 of 2014

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

Civil Revision No.1447 of 2014

Date of decision: 12.01.2016

Kumari Sonika

....Petitioner

Versus

Zile Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers 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 ?

Present: - Mr. Jatin Hans, Advocate, for the petitioner.

Mr. Sudhanshu Makkar, Advocate, for the respondents.

PARAMJEET SINGH DHALIWAL, J.

Instant revision petition under Articles 226/227 of the Constitution of India has been filed for setting aside the order dated 11.02.2014 passed by learned Civil Judge (Junior Division), Bhiwani, whereby the application moved by the petitioner for leading additional evidence, has been dismissed.

Brief facts of the case are that petitioner/plaintiff filed a suit for declaration and permanent injunction to the effect that Piyara son of Sheokaran grandfather of plaintiff was owner in possession of the land measuring 57 kanals i.e. 1140/7594th share of land measuring 383 kanals comprised in khewat No.874/804 khatoni Nos.1053 to 1063 kittas 59 situated within the revenue estate of Village Talu, Tehsil and District

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Bhiwani vide jamabandi for the year 2004-05. Petitioner is owner in possession of 8 kanals 2 marlas i.e. 1/7th share of land measuring 57 kanals and 'Will' dated 20.03.2008 is in favour of the defendants and on the basis of said 'Will' mutation No.462 dated 30.11.2008 sanctioned in favour of the defendants is wrong, illegal, baseless, null and void and not binding on the rights of the plaintiff. Upon notice, respondents appeared and filed written statement. Parties led their respective evidence. Thereafter, petitioner/plaintiff moved an application for leading additional evidence in order to produce certified copies of jamabandis for the years 1944-45 and 1995-96 as well as the consolidation record to show that the land in the hands of Sheokaran father of Piyara is ancestral by connecting the old khasra numbers with new khasra numbers. The said application has been dismissed by learned Civil Judge (Junior Division), Bhiwani, vide order dated 11.02.2014. Hence, this revision petition.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner vehemently contended that impugned order is illegal and unsustainable in the eyes of law. The order has been passed without application of judicious mind as petitioner wanted to lead additional evidence in the form of revenue record in order to connect old khasra numbers with new khasra numbers to show that the land in the hands of her grandfather was ancestral property, which her grandfather inherited from his predecessor-in-interest and petitioner had

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her legal right in the suit property by birth. The documents are necessary for just decision of the case.

On the other hand, learned counsel for the respondents contended that the application for leading additional evidence has rightly been dismissed by the trial Court as the same was filed to delay the proceedings. The documents sought to be placed on record are not required for the decision of the case.

I have considered the contentions raised by learned counsel for the parties.

Application moved by the petitioner for leading additional evidence is to prove her case by connecting the old khasra numbers with new khasra numbers. The jamabandies and record of consolidation proceedings is public record and admissible in evidence. This Court is of the view that the evidence sought to be led by the petitioner is necessary for just decision of the case.

In view of the above, impugned order is set aside and revision petition is allowed. Petitioner is allowed to place on record the documents sought to be led as additional evidence in the application subject to costs of Rs.5,000/- to be deposited with the District Legal Services Authority, Bhiwani. Respondents shall be afforded an opportunity to rebut the same.

(Paramjeet Singh Dhaliwal)
Judge

January 12, 2016
R.S.