

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2116 of 2016 (O&M)

Date of Decision.21.03.2016

Ashok Kumar

.....Petitioner

Vs.

Deeraj Mehta and others

.....Respondents

Present: Mr. Anil Bansal, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of 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?

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K. KANNAN J. (ORAL)

1. The plaintiffs have sought for partition of the property claiming 1/4th share in respect of properties in Schedule A and B and 110th share in Schedule C and D and sought for production of the document of sale deeds produced by the plaintiffs' Great Grand Father. The defendant has objection that these documents have been brought without reference to any pleadings and that further the plaintiffs are coming with contradictory claims with reference to source of title. There is assertion made that the properties are self-acquired but at the same time they want to produce document to show that some of the properties had been purchased in the name of Jastwant Singh's father.
2. The document of sale registered at the Registrar's office is public document entered in Book I and certified copy of the same is evidence *per se* as per Section 77 of the Indian Evidence Act and if the plaintiffs are producing these documents as source of title, there is

nothing conflicting in the assertions already made and the sale deeds will prove what they are contending for. The character of property as separate or ancestral will also have no grounding if the claim is for partition and they will obtain such right as it is competent for them to assert through their father, be it ancestral or separate. There can be no prejudice caused to the defendant for the documents brought are matters of evidence and if they have been ordered to be received, the petitioner cannot have an objection in revision.

3. The order passed by the court below is sustained and the civil revision is dismissed.

(K. KANNAN)
JUDGE

March 21, 2016
Pankaj*