

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

CIVIL REVISION NO.7030 OF 2016

DATE OF DECISION: OCTOBER 21, 2016

Sanjeev Kumar

.....Petitioner

VERSUS

Vijay Kumar Mittal and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ramesh Hooda, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The petitioner has challenged the order dated 29.09.2016 passed by the Civil Judge (Junior Division), Dadri, whereby the application for additional evidence preferred by the respondent-landlord has been accepted, granting him two opportunities to lead the documentary evidence and to prove the same.

It is the contention of learned counsel for the petitioner that Issue No.6 primarily is with regard to question of adoption of the petitioner by Sh.Ram Kumar, the original tenant of Vijay Kumar Mittal, respondent-landlord. To prove the said assertion, the petitioner has led evidence in the form of registered adoption deed dated 24.02.2006, according to which the adoption of the petitioner had taken place in the year 1983. He contends that the respondent-landlord has already led the evidence by producing school register and the certificate (Annexures P-3 to P-5) with the present petition,

according to which the name of father has not been mentioned as 'Ram Kumar' but has been mentioned as 'Suresh Chand', the natural father of the petitioner. He has now intended to file the admission register of BA-III and the attested copy of the roll register. Apart from that evidence which is being sought to be produced is Form B, copy of registration, Form VAT-G1 and copy of redemption suit titled 'Prashant Mittal Vs. Shri Bhagwan' to rebut the transfer of the shop to the petitioner, which is alleged to be lying vacant and in his possession as he had taken a plea of bonafide personal necessity for eviction of the petitioner. These documents are being produced to show that the shop, as a matter of fact, is in possession of his brother, namely, Vishnu Kumar Mittal, where he was running his business in the name and style of M/s Vishnu Kumar Mittal and sons. He contends that these documents are primarily filed with an intention to fill up the lacuna, which has been left out and the same cannot be permitted at this belated stage. He, thus, prays for setting-aside the order dated 29.09.2016 passed by the Civil Judge (Junior Division), Dadri.

I have considered the submissions made by learned counsel for the petitioner and have gone through the impugned order.

It is not in dispute that one of the issue, namely, Issue No.6 relates to the adoption of the petitioner and, therefore, it is essential for the parties to lead evidence in support of their respective contentions. The petitioner having failed to lead evidence except for production of the adoption deed dated 24.02.2006, it would be essential to produce the documents, which would indicate that adoption had not taken place and rather he had been continuing to be the son of his natural father, namely, Sh.Suresh Chand and in any case these are the certified copies of the

documents, which are being sought to be produced from the College and can rightly be relied upon by the respondents. Similar is the position with regard to Form B, copy of registration form VAT-G1 and copy of redemption suit, which are all documentary evidence to prove that Shop No.20, which is alleged to be vacant, is in fact in possession of brother of the respondent, namely, Vishnu Kumar Mittal. The order as passed by the Civil Judge (Junior Division), Dadri, dated 29.09.2016 being fully justified as the said documents would be essential and necessary for proper adjudication and decision of the case, the application for additional evidence, as filed by the respondent-landlord, has rightly been allowed in accordance with law.

Thus, there being no illegality in the order passed by the Civil Judge (Junior Division), Dadri, dated 29.09.2016, the present revision petition stands dismissed.

It is made clear that any observation made in this order shall not have any effect on the merits of the case.

October 21, 2016
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No