

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.3305 of 2015
Date of Order: 24.08.2017

Jasbir Kaur

..Petitioner

Versus

Kashmir Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vipul Aggarwal, Advocate,
for the petitioner.

Mr. Ramesh Sharma, Advocate,
for respondent no.1.

Ms. Kaavya Jariyal, Advocate, for
Mr. B.S.Jaswal, Advocate,
for respondents no.2 and 11.

ANIL KSHETARPAL, J(Oral).

Defendant-petitioner has filed this revision petition against
order dated 04.05.2015.

Defendant-petitioner filed an application for tendering
additional evidence i.e., mutations no.323 and 324.

Learned trial Court after appreciating the arguments of learned
counsel, has recorded as under:-

*“After hearing the submissions of learned counsel for the
parties and after going through the file, this Court is of
the view that the plaintiffs have filed the present suit for
declaration and permanent injunction qua the house*

bearing no.971 owned by her father Upar Singh and claiming her 1/9 share in the said house. However, there is no dispute as regard the land owned by said Upar Singh in the present case and as such, where there is no dispute regarding the land of Upar Singh, then there occurs no relevancy of the mutation nos.323 and 324, which the applicants/defendants no.11 and 13 want to tender. Moreover, the case is at its final stage and had the said mutations got any relevancy with the present case, the same would have been produced at the earlier stage. So, no ground is made out to allow the present application and the same is ordered to be declined. Now, to come up on 07.05.2015 for rebuttal evidence, if any and for arguments.”

A reading of the order would show that the Court has found that these mutations have no relevancy for the decision of present litigation.

Learned counsel for the petitioner was repeatedly requested to prove that these documents are relevant and are of some evidentiary value, relevant for the decision of the suit, however, learned counsel failed to come out with any satisfactory reply.

The dispute in the present case is with regard to a residential house, which was at one point of time owned by Avtar Singh. Defendants are claiming that property on the basis of a Will. These mutations are with respect to agricultural land.

In these circumstances, I do not find any reason to interfere with the order passed by the Court below. The revision petition is ordered

to be dismissed.

August 24, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No