

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CIVIL REVISION No. 3225 of 2017
DECIDED ON: MAY 08, 2017

SHAKTI PAL AND ANOTHER

....PETITIONERS

VERSUS

YASH PAL AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.K. Arya, Advocate
for the petitioners.

JASPAL SINGH, J

By virtue of instant petition preferred under Article 227 of the Constitution of India, petitioners have sought the quashing of order dated April 17, 2017 passed by learned Civil Judge (Sr. Division), Gurdaspur whereby, an application filed by the petitioners/plaintiffs seeking permission to produce Voter Lists for the year 1980 and 1988 in additional evidence has been allowed but qua production of agreement of Family Partition dated October 10, 2012 has been declined.

The contention of learned counsel for the petitioners is that petitioners have filed a suit for separate possession of 2/6 shares of the petitioners/plaintiffs by means of partition by metes and bounds from the house as well as shops constructed in the area measuring 15 marlas fully described in the plaint.

A family settlement was arrived at between the parties to the suit in respect of the suit property as well as other landed property, which was reduced into writing on October 10, 2012. However, the same was kept by Kishore Lal in his possession. Even, the copy of the said agreement of family partition was not handed over to the petitioners. The production of said partition deed dated October 10, 2012 is a material and important documents for proper adjudication of the *lis* pending between the parties. Moreover, an application filed by the petitioners with regard to the production of partition deed/family settlement dated October 10, 2012 has been dismissed by learned trial Court without assigning any cogent or plausible reason.

This Court has given a deep thought to the submissions made by learned counsel for the petitioners but find the same to be without any legal or factual substance.

The suit was instituted by the petitioners/plaintiffs way back in the Month of September 2012 and an application seeking production of family settlement/partition deed dated October 10, 2012 documents was moved after the institution of suit. But despite the fact that the existence of the afore-said document was very much in the knowledge of petitioners/plaintiffs, they did not opt to seek any amendment of their pleadings to incorporate the factum of aforesaid alleged family settlement/partition deed dated October 10, 2012. Moreover, one of the petitioner namely Shakti Pal who stepped into witness box as PW-1, remained tight lipped so far as the partition deed/settlement dated October

10, 2012 is concerned. Since, there are neither pleadings of the petitioners in the plaint nor they made deposition in this regard while appearing in the witness box as PW-1, this Court is of the considered view that an application seeking production of family settlement/partition deed dated October 10, 2012 has been rightly dismissed by learned trial Court.

In the light of what has been discussed above, this Court does not find any merit in the instant revision. As such, it stands dismissed.

No order as to costs.

JASPAL SINGH
JUDGE

MAY 08, 2017
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>