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

**Civil Revision No.3553 of 2017 (O&M)
Date of Decision: 05.09.2017**

SHEELA DEVI

.....Petitioner

Vs

SUNIL SHARMA AND ORS

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Deepak Gupta, Advocate
for the petitioner.

Mr. Bhavyadeep Walia, Advocate
for respondent No.3.

Mr. P.S. Bajwa, Advocate
for respondent No.6.

RAJ MOHAN SINGH, J. (Oral)

[1]. At the very outset, learned counsel for the petitioner submitted that respondent No.6 is the only contesting respondent and service *qua* other respondents be dispensed with at this stage. Ordered accordingly.

[2]. Petitioner has assailed the order dated 20.04.2017 passed by Civil Judge (Jr. Divn.) Dera Bassi vide which Building Permit was not allowed to be produced in additional evidence.

[3]. During course of arguments, it has been transpired that prayer for leading the additional evidence of the petitioner was allowed on 10.04.2017 and in pursuance thereof Harpreet Singh

Clerk, M.C. Zirakpur was summoned for 20.04.2017. As per prayer in the application for additional evidence, the plaintiff/petitioner intended to prove sale deed of Yogesh Kumar in respect of plot No.54 and also wanted to prove the said site plan sanctioned by M.C. Zirakpur in the name of Sadhu Singh besides verifying the antecedents of defendant Nos.1 to 6 relating to plot No.55.

[4]. Learned counsel for the petitioner contended that though the summoned witness brought the relevant file, but Building Permit (Ex.P-20) was objected to by the respondents on the ground that the same was not included in the application for additional evidence.

[5]. Learned counsel further contended that the sanctioning of site plan was very much dependent upon the preparation of Building Permit by the M.C. Zirakpur and, therefore, the same should have been allowed by the trial Court, particularly when the document was exhibited on record.

[6]. I have heard learned counsel for the parties.

[7]. Though the prayer has been opposed by learned counsel for the respondents, but I am of the view that since the Building Permit has already been exhibited on record with objection on the part of the respondents, but the same ought to

have been allowed to be proved with reference to the same file which was already available with same witness.

[8]. There was some omission on the part of the petitioner in not making the specific prayer for summoning of the Building Permit from the record, but since the original file was available with the summoned witness, therefore, the omission, if any, could have been answered subject to payment of adequate cost.

[9]. In view of above, impugned order dated 20.04.2017 is set aside. This revision petitions is allowed, subject to payment of cost of Rs.15,000/- to be paid to the respondents in equal proportion. Harpeet Singh Clerk, M.C. Zirakpur shall be summoned again with the record of Building Permit (Ex.P-20) (objected to by the respondents) as per order dated 20.04.2017. The document shall be proved in accordance with law. However, it is made clear that no other prayer on behalf of the petitioner shall be entertained in any eventuality.

[10]. Payment of cost shall be the condition precedent for allowing indulgence by the trial Court in the aforesaid context.

September 05, 2017

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No