

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

(119)

CR-4331-2017

Decided on: July 10, 2017.

Niranjan Singh

.... Petitioner

Versus

Thaman Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. J.K. Singla, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

The plaintiff-petitioner has preferred this revision petition against order dated 24.05.2017, dismissing his application for additional evidence.

Learned counsel for the petitioner submits that the petitioner wants to lead additional evidence by way of producing certain revenue record pertaining to the partition application which was decided on 28.08.2014 by summoning the concerned official from the revenue department.

I have heard learned counsel for the petitioner and appreciated his arguments in context to the nature of the litigation which has been initiated by the petitioner.

The petitioner has challenged the mode of partition claiming that he is not bound by the same and has sought a declaration that he is owner in possession of 105/1153 share i.e. 5 kanal 5 marla of land on the basis of registered sale deed dated 06.04.2010 which is part of 57 kanal 57 marlas of land in khasra number mentioned in the heading of the plaint.

Learned counsel for the petitioner submits that the petitioner has been held to be owner to the extent of 4 kanal 8 marla of land against his right of 5 kanal 5 marla.

Without expression of any opinion regarding the maintainability of the suit, I am of the considered opinion that as the controversy has arisen out of the partition proceedings, it was required of the petitioner to produce the relevant record of the partition proceedings. The partition proceedings and the orders passed by the revenue Court, are judicial orders and it was always open to the petitioner to obtain the certified copies of the relevant documents and record, in case he wanted to establish the extent of the title of the land in dispute.

The Court below has dismissed the application on the ground that application has been filed on 01.05.2017 when the case was fixed for final arguments after three months after the closure of evidence of the plaintiff. I do not see any infirmity in the reason adopted by the trial Court in dismissing the application.

At this stage, learned counsel for the petitioner submits that the petitioner has been able to get the certified documents from the revenue Court and that he can make an application for proof of those documents as these are per se admissible being certified copies of the Court proceedings.

I do not find any ground to interfere in the order passed by the trial Court.

The petition is dismissed without prejudice to the right of the petitioner to make an attempt to produce the certified copies of the order and proceedings in accordance with law and seeking the legal right under Order 12 Rule 2 and 2-A of CPC.

July 10, 2017
harsha

(M.M.S. BEDI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No