

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

135

CR-4643-2017(O&M)

Date of Decision:19.07.2017

Satish Kumar

.....Petitioner

Versus

Umed (since deceased) through LR and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.Chanderhas Yadav, Advocate,  
for the petitioner.

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RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the impugned order dated 20.05.2017 (Annexure P-5) passed by the learned trial court, allowing the application of the plaintiffs and directing the concerned Sadar Kanungo to prepare the excerpt, defendant has approached this Court by way of instant revision petition, filed under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

Admittedly, the entire controversy between the parties revolves around the basic issue whether the suit property was ancestral in the hands of Ram Chander or not. This was the compulsive necessity of the plaintiffs to move application (Annexure P-4) before the learned trial court, seeking a direction to the concerned Sadar Kanungo for preparing and production of excerpt of the land in question. It was this application, wherein the learned trial court issued appropriate directions vide impugned order. In fact, the

bare reading of the impugned order would show that it was the learned trial court itself who felt the examination of relevant revenue record and examination of the concerned revenue official necessary for arriving at just conclusion.

Instant revision petition filed on behalf of the defendant is based on technicalities alone. Producing the relevant revenue record by the concerned revenue official before the learned trial court will facilitate the learned trial court, to arrive at a just conclusion to resolve the controversy between the parties. Further, no prejudice of any kind whatsoever is likely to be caused to the defendant-petitioner, who is not going to be taken by surprise after perusal of the relevant revenue record by the learned trial court. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

It goes without saying that it is the duty of both the parties to the litigation to assist the court so as to facilitate it to decide the issues involved between the parties. As and when the learned court of competent jurisdiction deems it appropriate to examine any person, it would always be within its jurisdiction to direct a person or authority to produce any such relevant record before the court, whose examination would be just and necessary for decision of the case. Exercise of such power by the Court would never be intended to cause any harm or prejudice to either of the parties. This is what has been done by the learned trial court while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order

passed by the learned trial Court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

July 19, 2017  
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**(RAMESHWAR SINGH MALIK)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No