

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

CR No. 6494 of 2015

Date of Decision: 14.07.2017

SARUPA @ SARUP SINGH

-PETITIONER

VS

PANNI DEVI AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sandeep Singh Ghangas, Advocate,
for the petitioner.

Mr. Arun Kumar Single, Advocate,
for respondents No.2 and 3.

Mr. Wazir Singh, Advocate,
for respondent No.4.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner sought production of jamabandi, mutation, judgment and decree of the previous suit by way of additional evidence.

Prayer was rejected by the Civil Judge (Sr. Divn.), Panipat vide order dated 22.09.2015 on the ground that case was fixed for rebuttal and arguments at the final stage.

At the time of issuance of notice of motion, following order was passed:-

*“Learned counsel for the petitioner has
referred to the judgment passed by this court*

in Gurdial Singh and others Vs. Mam Chand and others, 2011 (1) RCR (Civil) 690, to contends that the judgments and decrees dated 07.01.1986 and 03.03.1986 along with the relevant Jamabandis should have been brought on record by way of an application under Order 41 Rule 27 CPC, as no evidence was required to be led to prove these documents.

Notice of motion for 29.01.2016.

Passing of final order by the trial Court shall remain stayed till the next date of hearing.”

Perusal of the aforesaid order shows that reliance to Order 41 Rule 27 CPC was not attracted as the suit proceedings were pending before the trial Court.

Learned counsel for the petitioner got recorded his version that no evidence was required to be led to prove the aforesaid documents.

Today also, learned counsel for the petitioner submitted that the petitioner only intended to bring the aforesaid documents on record without seeking any indulgence of the Court to prove their execution, if any.

Petitioner could not bring these documents on record at the relevant stage for which no plausible explanation has been given but keeping in view the nature of documents sought to be brought on record without leading any evidence to prove their execution, if any, I deem it appropriate to allow the petitioner to place jamabandi mutation and judgment and decree of previous suit on record subject to costs of Rs.20,000/- to be paid to defendants No.2 to 4.

Both the parties are directed to appear before the trial Court on 28.07.2017. Within one week from their appearance, aforesaid document shall be tendered by the petitioner in Court.

Payment of costs shall be the condition precedent for showing indulgence by the trial Court in the aforesaid context.

Disposed of.

14.07.2017
jjyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No