

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

CR No.7834 of 2017(O&M)

Date of decision: 17.11.2017

Jaswinder Kaur and another

.....Petitioners

VERSUS

Ranjit Kaur and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. B.S. Jaswal, Advocate for the petitioners.

REKHA MITTAL, J.(Oral)

CM No.24630-CII of 2017

Heard.

Allowed as prayed for.

Annexure P-7 is taken on record subject to just exceptions.

Disposed of accordingly.

CR No.7834 of 2017

The present petition directs challenge against order dated 16.08.2017 (Annexure P-6) passed by the Civil Judge (Junior Division), Batala whereby application filed by the petitioners/plaintiffs to adduce additional evidence to examine scribe of the sale deed has been rejected.

Perusal of the records would reveal that the plaintiffs have partly staked their claim to the suit property on the basis of registered sale deed dated 10.02.2004 purported to be executed by Kahan Singh in favour of Ranjit Singh (since deceased), son of petitioner No.1 and father of petitioner No.2 (minor). The certified copy of the registered sale deed has already been marked as Ex.P3. Neither Kahan Singh nor any successor in

interest of Kahan Singh is a party to the *lis*, therefore, there is no denial of the sale deed in question by the executant or his successor in interest. Under the circumstances, application filed by the petitioners to examine scribe of the sale deed appears to be the result of non-appreciation of legal position in law with regard to evidentiary value of certified copy of the sale deed. In this view of the matter, it can be safely held that no prejudice shall be caused to the petitioners in case they do not examine scribe of the sale deed in question.

For the foregoing reasons, the petition fails and is accordingly dismissed. However, nothing stated hereinbefore shall be construed as an expression of opinion on merits of the case.

NOVEMBER 17, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no