

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

145

CR No.2122 of 2018 (O & M)
Date of Decision:29.05.2018

Parveen Kumar

...Petitioner

Versus

Khem Raj and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Kumar Khubbar, Advocate
for the petitioner.

Mr. R.S. Budhwar, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(Oral)

Plaintiff-petitioner is in the revision petition against the order passed by the learned trial Court dismissing an application for permission to lead additional evidence so as to produce and prove Hindi translation of allotment record (Ex.P-8), Hindi translation of Jamabandi (Ex.P-12) and certified copies of Khatauni Istemal and Missal Haquiat alongwith their Hindi translation.

Learned trial Court has dismissed the application on the ground that the evidence of the plaintiff was closed by Court order on 29.01.2018 and the plaintiff cannot be allowed to fill lacunas in the case.

It is not in dispute that the case is pending at a trial stage and the documents sought to be produced are part of the official record. It is the contention of learned counsel for the petitioner that these documents would help the Court in adjudicating the dispute. On the other hand, learned

counsel for respondent No.1 has contested the revision petition and has submitted that the documents namely Khatauni Istemal and Missal Haquiat cannot be allowed to produce at this stage. He submitted that this would unnecessarily delay the trial of the case.

This Court has considered the submission and with the able assistance of learned counsel for the parties gone through the paper book.

As far as Hindi translation of the allotment record and jamabandi which is in Urdu, there cannot be any objection as the original documents are already part of the record.

As regards certified copy of the Khatauni Istemal and Missal Haquiat, these are part of the record of consolidation of holdings in the village. These documents are of unimpeachable credence. The case is pending at the trial stage. Rules of procedure are meant to advance justice.

Keeping in view the aforesaid facts, revision petition is allowed and the order under challenge is set aside.

Plaintiff-petitioner is permitted to produce and prove the documents as prayed for in the application for additional evidence.

Needless to say that the respondent-defendant would also be granted opportunity to lead counter evidence if prayed for.

29.05.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No