

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

Civil Revision No.2439 of 2014 (O&M)

Date of Order:28.02.2018

Jai Parkash and others

..Petitioners

Versus

Shamlat Deh Hasab Rasad Kabza and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Advocate,
for the petitioners.

Mr. Sunil Garg, Advocate,
for LR's of respondent nos.7 and 8.

ANIL KSHETARPAL, J (Oral)

Plaintiffs-petitioners are in revision petition against the order dated 04.03.2014, dismissing the application for producing certified copies of jamabandies for the years 1931-32, 1935-36 and 1945-46 by way of additional evidence.

Learned trial court has primarily dismissed the application on the ground that although the documents sought to be produced on file are public documents and part of the government records, however, the plaintiffs have failed to show that despite due diligence, they could not produce the documents while leading affirmative evidence.

On the other hand, counsel for the respondents has vehemently opposed the prayer made by counsel for the plaintiffs-petitioners by stating that the Gram Panchayat is not a party in the present suit.

No doubt, plaintiffs are required to produce their entire evidence while leading their evidence in affirmative except rebuttal evidence, however, the provision for additional evidence although deleted

by the statutory amendment, is still available with the court under section 151 of the Code of Civil Procedure. The court in the interest of justice, is entitled to admit documents which would help the court in adjudicating the case in a judicious manner.

In the present case, the documents sought to be produced are part of government records and *per-se* admissible. The documents are not required to be proved by leading any oral evidence. No doubt the petitioners have failed to give any cogent reasons, however, the rules of procedure are to help the court in proper adjudication of the case.

In view thereof, the order dated 04.03.2014 passed by the learned trial court is set aside. The certified copies of the jamabandies for the years 1931-32, 1935-36 and 1945-46 are allowed to be produced in additional evidence.

Defendants would be granted opportunity to rebut the additional evidence, if they opt.

Since, the suit is pending for the last 9 years, taking into consideration the aforesaid facts, the learned trial court is requested to finally decide the suit within a period of three months from the date of receipt of a certified copy of this order.

The revision petition is allowed accordingly.

February 28, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No