

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 6449 of 2015 (O&M)
Date of decision : May 24, 2018

Tejbir and another

..... **Petitioner**

Versus

Ram Niwas and others

..... **Respondent**

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Arun K. Singal Advocate
for the petitioners.

Mr. S. K. Malik, Advocate
for respondent No.5.

AMIT RAWAL, J (oral).

The present revision petition is directed against the impugned order dated 7.9.2015 (Annexure P-5) whereby the application submitted by the respondent-defendant for leading additional evidence in the suit filed by the plaintiff for declaring him owner in equal share in respect of the suit property has been allowed.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner-plaintiff instituted the suit claiming declaration having inter se equal shares being owner in possession of the land measuring 1 bigha 13 biswas being 1/18th share of land measuring 15 bighas 2 biswas being half share of 30 bighas 3 biswas and various pieces of land as referred to in the head note of the plaint and the averments made therein. The aforementioned suit was contested by defendant Nos. 1 and 2

alleging the relief, whereas, defendant No.5 adopted the written statement filed by other defendants. During the pendency of the suit, at the time of arguments defendant No.5 moved an application for bringing on record certified copy of the order and decree sheet dated 20.1.2006, compromise deed dated 20.1.2006, release deed dated 30.5.2008, original copy of stamps paper dated 3.2.1955, its translation, copy of mutation No.1303, voter card, ration card for the adjudication of the suit. The same was contested by filing the reply but the trial court while passing the impugned order *ibid* allowed the application without noticing the fact that defendant had not specifically averred in the aforementioned written statement that the evidence would be beyond pleadings.

Per contra, learned counsel appearing on behalf of the respondent submitted that there is no illegality and perversity in the order under challenge, for, it would have the jurisdiction of the court for adjudication of the *lis* between the parties for, the Court always entertain the application by exercising the inherent powers and thus prayed for dismissal of the revision petition with exemplary costs.

I have heard learned counsel for the parties, perused the paper book and of the view that there is no force or merit in the submissions of learned counsel for the petitioner, for, the documentary evidence would help the court in adjudication of the *lis* and is within the domain of the trial court. Both the parties are at liberty to raise the objections qua aforementioned documents in support of evidence already brought on record.

In view of the above, I am of the view that the order

does not suffer from any infirmity and cannot be said to be without jurisdiction. No ground for interference is made out. The revision petition stands dismissed.

May 24, 2018
archana

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No