

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

CR No. 6248 of 2018
Date of Decision: 17.09.2018

Dhapa Devi @ Dhapli

.....Petitioner

Versus

Man Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Munish Gupta, Advocate
for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 03.08.2018, passed by the Civil Judge (Junior Division), Narnaul (for short, the Trial Court), dismissing the petitioner's application filed by her seeking therein to lead additional evidence.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that the petitioner filed a suit seeking therein to be declared exclusive owner in possession of the property as detailed and described in the head note of the plaint (for short, the suit property). Her suit was based on inheritance from her mother Anchi Devi of whom she claimed to be the lone Class-I heir. Upon notice, the respondents, who were the defendants in the suit, appeared before the Trial Court and denied her claim. The Trial Court framed issues on which both the parties, after being afforded sufficient opportunities, led their respective evidence. However, when the matter was listed for final arguments, the petitioner/plaintiff filed an application seeking therein to produce additional

evidence in the form of certified copies of revenue records obtained by Anchi Devi which were in the possession of the petitioner. Photographs showing Anchi Devi performing duties in the marriages of the petitioner's children and a certified copy of the grounds of appeal filed by the petitioner to challenge the mutation in favour of the respondents were also sought to be produced. The Trial Court rejected the application filed by the petitioner, occasioning the filing of the present petition.

Learned counsel for the petitioner has been heard.

The case set up by the petitioner before the Trial Court was that she is entitled to the suit property being the lone Class-I heir of Anchi Devi. The respondents, who were the defendants in the suit, had denied the petitioner's claim.

Photographs showing Anchi Devi performing duties in the marriages of the petitioner's children, certified copies of revenue record obtained by Anchi Devi and a certified copy of the grounds of appeal filed by the petitioner to challenge the mutation in favour of the respondents are sought to be produced by the petitioner as additional evidence. Her attempt is to prove that it was she who is Anchi Devi's biological daughter and thus the rightful claimant to her property as her lone Class-I heir.

Certified copies of revenue records supplied to Anchi Devi as also photographs showing her to be participating in the marriages of the petitioner's children would have no relevance in proving that the petitioner was the biological daughter of Anchi Devi. Merely because she possesses certified copies of revenue records which had been supplied to Anchi Devi would not throw any light on the fact whether the petitioner was Anchi Devi's biological daughter or otherwise, especially when it has not been

explained by the petitioner as to how she came in possession of such documents. Similarly the photographs where Anchi Devi is found participating in the marriages of the petitioner's children would also not establish the petitioner to be her biological daughter as the photographs do not depict therein as to in which capacity was she participating in such ceremonies.

Thus, the additional evidence sought to be produced by the petitioner, when seen in the light of the facts of the present case is found to have no relevance.

Further, the reason given by the petitioner that the documents/photographs which were sought to be produced by her as additional evidence came to her knowledge recently is not believable. Such evidence could and should have produced by her at the time she led her evidence for which she was granted adequate number of opportunities and not at the fag end of the trial when the matter was listed for final arguments.

In view of the above, no merit is found in the present petition.

Dismissed.

(DEEPAK SIBAL)
JUDGE

17.09.2018
sandeep

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