

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

CR No.636 of 2018 (O&M)

Date of decision : February 01, 2018

Umed Singh

..... Petitioner

Versus

Mahabir Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Akshay Kumar Goel, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Heard.

Impugned in the present revision petition is the order dated 20.01.2018 passed by learned Addl. District Judge, Bhiwani, vide which during the pendency of the appeal, an application filed by the respondents-appellants under Order 41, Rule 27 read with Section 151 CPC for seeking permission to produce three mutations and one copy of jamabandi by way of additional evidence, was allowed.

Learned counsel for the petitioner has argued that the ingredients for producing the aforesaid documents by way of additional evidence, are not met.

I have gone through the impugned order. In this case, one of the issues before the trial court was that whether the property is ancestral or not? The burden of proving the said issue was on the plaintiff-petitioner. The defendants-appellants claimed in the application that the findings have come against them. Therefore, these documents are essential to do

substantial justice between the parties.

Learned Addl. District Judge, Bhiwani has taken the view that these documents are *per se* admissible and cannot be created or fabricated and are necessary to do substantial justice between the parties.

I am of the view that since the learned Addl. District Judge, Bhiwani felt that the documents, which are *per se* admissible are necessary to do substantial justice between the parties, therefore, no interference while exercising the revision powers, is called for .

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

February 01, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No