IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

205 **Civil Revision No.8416 of 2015**
Date of Decision: November 27, 2018

Gurnam Singh .....Petitioner(s)

versus

Sukhdev Singh .....Respondent(s)

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

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Present: Mr. Jai Bhagwan Sharma, Advocate for the petitioner(s).

Mr. Saurav Verma, Advocate with Mr. Akash Soni, Advocate for the respondent.

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Amit Rawal J. (Oral)

The present Revision Petition is directed against the order dated 16.10.2015 whereby application submitted by the plaintiff for producing *fard/jamabandi*, has been allowed.

Learned counsel appearing on behalf of the petitioner-defendant submitted that such application in a suit for permanent injunction is not sustainable as the revenue record is maintained by the Revenue Department and can be always summoned in accordance with law. Plaintiff has to stand on his own legs and cannot rely upon the defendant.

Learned counsel for the respondent-plaintiff submitted that submitting of *fard/jamabandi w*as essential and necessary document to controvert the preliminary objection taken by the defendant in the written statement. Copy of the same was necessary for adjudication.

I am afraid that the aforesaid argument of Mr. Saurav Verma, is not sustainable as the plaintiff has to prove his case by direct and cogent evidence.

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High Court Chandigarh

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Considering the fact that the case is at the stage of plaintiff's evidence, plaintiff cannot be permitted to seek copy of the *fard/jamabandi* in the manner and mode as has been done. The impugned order is atrocious and not sustainable in law.

Accordingly, the order dated 16.10.2015 (Annexure P-1) is set aside and the Revision Petition is allowed.

November 27, 2018 **[AMIT RAWAL]**
sonia arora **JUDGE**

Whether speaking/reasoned : Yes
Whether Reportable : No

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