

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

239

CR No.3938 of 2017

Date of Decision: 30.8.2019

TEJPAL AND ORS

.....Petitioners

Versus

KRISHAN KUMAR AND ANR

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.Kamal Kant Verma , Advocate
for the petitioners.

RAJ MOHAN SINGH, J.(Oral)

Petitioners have made challenge to the order dated 25.4.2017 passed by Civil Judge (Jr.Divn.), Charkhi Dadri, vide which the application filed by the petitioners for sending original pronote and receipt dated 1.4.2014 to Government Press, Nasik for ascertaining the year of publication of revenue stamps affixed on pronote and receipt was dismissed.

Learned counsel for the petitioners submits that Civil Suit No. 174 of 2005 filed by the plaintiffs/ petitioners for specific performance was decreed by the trial Court vide judgment and decree dated 14.3.2012 and the same was upheld by the lower Appellate Court. In execution, the resultant sale deed was executed with the process of the Court in favour of the decree holders/ plaintiffs/ petitioners. In execution, factum of civil court

decree for recovery on the basis of pronote and receipt in question passed in a suit titled Sukrampal vs. Sushila Devi etc. came to fore. The said judgment and decree has already been assailed by the plaintiffs/ petitioners in an independent suit seeking declaration to declare the judgment and decree dated 21.7.2007 to be null and void. In the said suit, year of publication of revenue stamps used in the pronote and receipt is sought to be ascertained by sending the documents to Government Press, Nasik.

Notice of motion was issued on 30.11.2018. As per office report, service is complete. At one point of time, respondent No.6 appeared through Sh.Vikramjeet Singh, Advocate on 14.1.2019. Other respondents did not appear. Even on subsequent dates, learned counsel for respondent No.6 did not appear. For determination of age of revenue stamps on pronote and receipt, indulgence of the Court can be granted as no prejudice will be caused to the opposite party, particularly in view of the fact that the factum of judgment and decree dated 21.7.2007 passed in a suit for recovery on the basis of pronote and receipt came to the knowledge of the decree holders/ petitioners in the execution of decree for specific performance, which was granted in favour of the petitioners.

Perusal of the record would also show that the oral evidence of the plaintiffs/ petitioners was closed vide order dated 19.3.2018 and the case was adjourned for documentary evidence of the plaintiffs for 23.3.2018. On 23.3.2018, the evidence of the plaintiffs was closed after tendering documents Ex.P-17 to Ex.P-52 by means of making a separate statement before the Court. Prior to the aforesaid closure of the evidence, the present application was filed on 9.5.2016. Against the order of dismissal of the prayer, this revision petition was filed on 23.5.2017. Initially no stay was granted in this revision petition from the date of filing of revision petition till 13.11.2018 i.e. the date on which passing of final order by the trial Court was stayed.

In view of attending circumstances of the case, I feel like to grant indulgence in the context of sending the documents viz. pronote and receipt to Government Press, Nasik for ascertaining the year of publication of stamps affixed thereon in accordance with law.

Petition stands disposed of accordingly. Normal consequences to follow.

August 30, 2019

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Whether reasoned/speaking**(RAJ MOHAN SINGH)
JUDGE****Yes/No**