

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 113

Case No. : C. R. No. 1216 of 2019

Date of Decision : February 21, 2019

Tanika Petitioner

vs.

Kamaljeet Singh and another Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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

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DEEPAK SIBAL, J. (Oral) :

The present petition is directed against the order dated 15.12.2018 passed by Additional Civil Judge (Senior Division), Nabha (for short – the Trial Court) dismissing the petitioner's application through which she had sought permission of the Trial Court to inspect and prepare a site plan of two of the properties of which, through her suit, she claimed 1/3rd ownership.

The facts, in brief, which would be required to be noticed for adjudicating upon the present petition, are that in December 2011, the petitioner instituted a suit through which she sought annulment of judgment and decree dated 11.01.1996 passed by Civil Judge (Junior Division), Nabha in a suit titled “Harjeet Kaur vs. Kamaljit Singh”. The petitioner further sought herself to be declared as owner in possession of 1/3rd share in

the properties described at (a) and (b) and 5/32nd share in the properties described at (c) and (d) in the head note of her plaint.

On being put to notice, the respondents, who were defendants in the suit, appeared before the Trial Court and filed their written statement refuting the petitioner's claim. The petitioner filed at least three applications under Order 11 Rule 14 CPC seeking directions to be issued to the respondents to produce documents. Two of her applications were allowed and third one was dismissed. Thereafter, issues were framed by the Trial Court on 08.12.2016. The petitioner then led her entire evidence. While she was in the midst of leading her evidence, an application was filed by her through which she sought permission of the Court to inspect the properties given in the head note of her plaint at (c) and (d) and after such inspection, to make and produce a site plan giving their description. The Trial Court dismissed the petitioner's application giving her cause to knock the doors of this Court through the present petition.

Learned counsel for the petitioner has been heard.

The petitioner has filed her suit seeking therein annulment of judgment and decree dated 11.01.1996 passed by the Civil Judge (Junior Division), Nabha in a suit titled as “Harjeet Kaur vs. Kamaljit Singh”. She has further sought herself to be declared as owner in possession of 1/3rd share in the properties described by her at (a) and (b) and 5/32nd share in the properties described at (c) and (d) in the head note of her plaint. The properties, of which she claimed ownership, have been detailed and described by her in her plaint. Boundaries of the same, as also their

municipal unit numbers, have also been given. The Trial Court has noted that no reason has been assigned by the petitioner before it as to why she needs to inspect the properties and make a site plan thereof. No reason has been explained before this Court as well. That being so, there is no occasion to interfere with the impugned order especially when the petitioner has concluded her evidence after admittedly having been given adequate number of opportunities, as also for the reason that the prayer made by the petitioner for inspection of the aforesaid properties is found to have no nexus with the relief sought by her in her suit.

Dismissed.

(DEEPAK SIBAL)
JUDGE

February 21, 2019
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<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>