

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1595 of 2020(O&M)
Date of decision: 06.07.2022

Ramesh Chander

...Petitioner

Versus

Ashok Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kulvir Narwal, Advocate, for the petitioner.
Ms. Monika Jangra, Advocate, for respondent no.1.

ANIL KSHETARPAL, J (Oral)

Defendant No.1 calls into question the correctness of order passed by the trial Court on 27.02.2020. The Court has refused to grant permission to the petitioner to produce in additional evidence, a certified copy of the mutation No.18585, on the file of the case. The plaintiff while filing the suit has challenged the Will allegedly executed by Sh. Nafe Singh on 13.08.2013 in favour of defendant no.1. Undoubtedly, the trial of the suit is nearing its conclusion but the case is still at the trial stage. The certified copy of the revenue record would help the Court in adjudicating the case in a proper manner. The mutation No.18585 has been sanctioned on the basis of the Will allegedly executed by Sh. Nafe Singh. Defendant no.1 wants to prove that he produced the Will before the revenue authorities immediately after the death of Sh. Nafe Singh.

The Court has dismissed the application on the ground that the defendant has already availed 22 opportunities to produce his evidence. Undoubtedly, the petitioner has already availed more than sufficient opportunities, however, the procedural law is made to advance the cause of justice. Imposition of penalty is the remedy for lapses

committed. However, such procedural lapses should not be allowed to come in the way of doing substantive justice between the parties.

Keeping in view the aforesaid facts, the order under challenge is set aside while allowing the application filed in this regard. However, it shall be subject to the costs of Rs.1,000/-, to be paid to the plaintiff.

The civil revision is disposed of accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

July 06, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No