

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

CR-3945-2022 (O&M)

Date of decision: 29.09.2022

Varun Mahajan

....Petitioner

Versus

Bhag Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vipin Mahajan, Advocate for the petitioner

Mr. S.S.Khaira, Advocate for respondent no.1

ANIL KSHETARPAL, J (Oral)

The petitioner herein is defendant no.2 in a suit filed by the plaintiff seeking the decree of declaration to the effect that the plaintiff is owner in possession of the land measuring 15 ½ marlas. The parties have already led their evidence. The petitioner's prayer for permission to produce some documentary evidence has been declined on 11.07.2022. Even an application for recall of the aforesaid order has been dismissed on 31.08.2022.

In the application filed, the petitioner has alleged as under:-

“3. That, the defendant/applicant has applied for getting certified copy of the mutation No.2420 regarding exchange of Dayal Singh and Bhag Singh. The said copy was supplied to the defendant/applicant on 12.07.2022 after the date fixed i.e 11.07.2022. The defendant/applicant also wants to produce copy of Jamabandi for the year 2010-11, 2015-16, Khasra Girdawari for the year 2016-17 to 2020-21, Shajra Aks and certified copy of demarcation report dated 08.11.2021 consigned on 14.07.2022 which was supplied to the defendant/applicant on 18.07.2022 and sale deed dated 20.11.2008 executed by Dyal Singh in favour of Varun Mahajan. Copies of the above-said documents are enclosed herewith.”

It is evident that though there was some delay, however, the copies of jamabandi, khasra Girdawari, aks-shijra and mutation are the public documents. Apart therefrom, defendant no.2 wants to produce demarcation report as well as the certified copy of the sale deed and mutation. The suit is pending before the trial court. Such documents are going to help the court in the proper adjudication of the case. In such circumstances, the trial court has erred in taking a myopic view of the matter. The petitioner does not pray for leading any oral evidence.

Keeping in view the aforesaid facts, the orders dated 11.07.2022 and 31.08.2022 are set aside. The trial court is directed to permit the petitioner to produce the aforesaid documents, however, subject to payment of costs of Rs.5,000/- to be paid to the plaintiff.

Disposed of.

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

29.09.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE