

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

CR-5961-2019 (O&M)

Date of decision: 17.05.2022

Nagar Panchayat, Mahilpur

....Petitioner

Versus

Chand Rani

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Sarju Puri, Advocate for the petitioner

Mr. Parvinder Singh, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

Nagar Panchayat, Mahilpur, assails the correctness of an interlocutory order passed by the trial court while refusing the permission to the petitioner to produce a layout plan of the entire area . A suit for grant of decree of permanent injunction has been filed restraining the defendant (petitioner herein) from constructing on the suit property. Nagar Panchayat claims that this property is part of the Shamlat land. After the closure of evidence, official of the Nagar Panchayat prepared a layout plan depicting the suit land as well as its surrounding area. The trial court taking a narrow view of the matter has dismissed the application of the petitioner. The layout plan of the entire area would ultimately help the court in deciding the suit a proper manner. Undoubtedly, the courts are justified in declining applications for permission to lead additional evidence if these have been filed with a view to delay or obstruct the disposal of the case. However, if the document sought to be produced is ultimately going to facilitate the adjudication, the court must not hesitate from permitting the party to

produce evidence and should readily give such permission for the desired outcome of imparting justice. The case is at the trial stage.

Keeping in view the aforesaid facts, the revision petition is allowed. The order under challenge is set aside. The petitioner is permitted to produce and prove the layout plan in accordance with law. Needless to observe that the respondent shall also be given counter opportunity to lead evidence in support of his claim.

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

17.05.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE