

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1082-2018 (O&M)
Date of decision: 26.08.2022

Ibrahim and others

....Petitioners

Vs.

Bhuriya and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Akshay Jindal, Advocate
for the petitioners.

Mr. B.S. Thind, Advocate and
Mr. Amit Jain, Advocate
for the respondents.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this revision petition is for setting aside the order dated 15.01.2018 passed by the Civil Judge (Jr. Divn.), Ferozepur Jhirka, vide which an application filed by the petitioners-plaintiffs for leading additional evidence to produce on record correct Hindi translation of the jamabandis for the years 1958-59, 1952-53, 1944-45, 1938-39, 1926-27, 1907-08 and 1904-05, which are already exhibited in the statement of PW3 Mohrar Patwari, office of Deputy Commissioner, Mewat, was declined.

This petition is pending since 2018 and while issuing notice of

motion on 16.02.2018, final disposal of the suit was stayed, which is continuing.

Learned counsel for the petitioners submits that while leading the evidence, PW3 Mohrar Patwari, office of Deputy Commissioner, Mewat prepared excerpt and he also prepared jamabandis for the aforesaid years along with Hindi translation and that has been duly exhibited, while recording his statement. However, at the time, when learned counsel for the plaintiffs-petitioners was preparing the arguments, he found that Hindi translation of the aforesaid revenue record is not correct, therefore, he moved an application just to place on record correctly translated version of the same.

Learned counsel for the respondents has, however, submitted that the application has been filed at the fag end, when the arguments were heard at length, therefore, the purpose of filing the same is only to delay the proceedings.

After hearing learned counsel for the parties, I find merit in the present petition, as the petitioners-plaintiffs do not want to lead any fresh evidence by way of leading additional evidence and only want to place on record correct Hindi translation of the jamabandis for the aforesaid years, which is already produced on record by PW3 Mohrar Patwari, office of Deputy Commissioner, Mewat i.e. the revenue record in Urdu as well as Hindi translation, as the plaintiffs found that the translation is not correct.

Even otherwise, it will be in the interest of justice that to enable

the trial Court to properly appreciate the aforesaid revenue record, which is in Urdu, correct translation of the same be produced on record.

In view of the above, this petition is allowed and the impugned order dated 15.01.2018 passed by the trial Court is set aside. The petitioners-plaintiffs are permitted to place on record correct Hindi translation of jamabandis for the years 1958-59, 1952-53, 1944-45, 1938-39, 1926-27, 1907-08 and 1904-05, which are already exhibited.

However, considering the fact that there will be two Hindi translations of the aforesaid revenue record; one prepared by PW3 Mohrar Patwari, office of Deputy Commissioner, Mewat, in whose statement, these documents were exhibited as well as the Hindi translation, which is now to be filed by the petitioners-plaintiffs, it will be open for the trial Court to appreciate the Hindi translation in the light of other evidence, which has already come on record.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

26.08.2022

vishnu

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No