

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

109

CR-1086-2023 (O&M)

Date of decision : 17.02.2023

Surender Singh and others

... Petitioners

Versus

Balwinder Singh and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. R.S. Mamli, Advocate for the petitioners.

Anupinder Singh Grewal, J. (Oral)

The petitioners have challenged the order dated 31.01.2023 (Annexure P-4) whereby the application of the respondents for leading additional evidence has been allowed.

Learned counsel for the petitioners submits that the application for leading additional evidence could not have been allowed at the stage of arguments. The respondents/plaintiffs had already taken several opportunities and evidence in rebuttal had also been led. In support of his submissions, he has relied upon the judgment of this Court in the case of **Ravi Kumar versus Ram Gopal Bagga and another, 2017(1) Rent LR 395.**

Heard.

The respondents/plaintiffs had filed a suit for declaration that the transfer deeds executed by defendant Hazara Singh through his GPA holder Jaswant Singh in favour of the petitioners/defendants No.1 and 2 are illegal as the property was ancestral in nature and could not have been alienated. The plaintiffs by way of an application for leading additional evidence sought to

produce jamabandi for the year 1946-47 and the papers with regard to allotment of land at Joda Chakk No.128 in Janubi, Tehsil Sargoda, Pakistan. The documents are stated to have been obtained from Pakistan which were in Urdu and had been translated. The issue with regard to the nature of the property of Hazara Singh being ancestral or self acquired is at the root of the controversy and therefore, I do not find any infirmity in the order of the trial Court whereby the application for leading additional evidence has been allowed.

The judgment relied upon by the counsel for the petitioners in the case of **Ravi Kumar versus Ram Gopal Bagga and another(supra)** is distinguishable on facts as in that case, the plaintiffs wanted to produce the handwriting and fingerprints expert although they had failed to do so earlier and no such reason was forthcoming as to why they could not produce this evidence earlier while in the instant case, the documents had to be obtained from Pakistan with regard to the nature of the suit property.

Consequently, the petition stands dismissed.

Pending application, if any, shall stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

February 17, 2023
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No