

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.7146 of 2023

Date of Decision: 29.11.2023

Gurjant Singh and others

...Petitioners

Versus

Sukhdev Singh and others

...Respondents

CORAM: ***HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Bikramjeet Singh Jatana, Advocate
 for the petitioners.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision petition under Article 227 of the Constitution of India, the petitioners-plaintiffs No.1, 2 and 5 (here-in-after to be referred as 'the petitioners') have laid challenge to the order passed by learned Civil Judge (Junior Division), Sunam (for short 'the trial Court') on 06.10.2023 in ***Civil Suit No.389 of 2016*** titled as '***Gurjant Singh and others vs. Sukhdev Singh and others***', whereby the application (Annexure P-2) moved by them, along-with proforma-respondents No.15 & 16-plaintiffs, for seeking permission to lead the additional evidence, by way of producing the mutations bearing Nos. 3535, 3725, 3778 and 3810 on the record, has been dismissed.

2. I have heard learned counsel for the petitioners in the present revision petition, at the preliminary stage and have also gone through the file carefully.

3. Learned counsel for the petitioners contends that the petitioners and the afore-said proforma-respondents have filed the above-referred Civil

Suit for seeking the relief of joint possession, declaration and permanent injunction qua the suit land, by challenging the afore-mentioned mutations and therefore, these documents are relevant and essential for the proper adjudication of the dispute between the parties to the said Suit and though the copies thereof have already been tendered by the petitioner-plaintiff No.1 Gurjant Singh in the evidence while deposing as PW-1 but inadvertently, the certified copies of the same could not be produced and exhibited by the petitioners on the record at the time of leading their evidence and it being so, they (petitioners) deserve to be afforded another opportunity for doing so.

4. From the above-raised contentions, it becomes explicit that the afore-mentioned mutations are the most material piece of evidence to facilitate the trial Court to arrive at a just and correct decision in the above-said Civil Suit. Keeping in view the afore-discussed facts as well as the fact that in case, the petitioners are deprived from producing and exhibiting the above-referred mutations on the record, they would suffer an irreparable loss that may further lead to/result in mis-carriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if they (petitioners) is allowed to produce the said mutations in their evidence but subject to the payment of cost to the respondents-defendants.

5. Resultantly, without issuing notice to the respondents-defendants so as to avoid any further delay in the trial of the afore-said Civil Suit and also to avert the expenses that they (respondents) may have to incur to defend in this petition, the impugned order dated 06.10.2023 is set-aside and the revision petition in hand is, hereby, disposed of with a direction to the concerned trial Court to afford only one opportunity to the petitioners to produce the above-

mentioned mutations in their evidence in the said Civil Suit but the payment of cost of Rs.30,000/- shall be a condition precedent for doing so and in case of the default on their part in producing the afore-said mutations or in the payment of the cost on the date as may be scheduled by the trial Court, they shall not be entitled to any further opportunity for the above-said purpose.

6. However, it is further clarified here that in the eventuality of the respondents-defendants feeling aggrieved by this order, they shall be at liberty to move an appropriate application to contest the instant revision petition.

29.11.2023
neetu

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>