

**CR No.545 of 2023 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.207****Case No. : CR No.545 of 2023 (O&M)****Date of Decision : May 20, 2024**

Raj Rani

.... Petitioner

vs.

Shindo and another

.... Respondents

**CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.**

\* \* \*

Present : Mr.G. S. Punia, Senior Advocate  
with Mr. P. S. Punia, Advocate  
for the petitioner.

Mr. Jaideep Verma, Advocate  
for respondent no.1.

Mr. Chaitanya Bagga, Advocate  
for respondent no.2.

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**GURBIR SINGH, J. :**

1. Challenge in this revision petition, filed under Article 227 of the Constitution of India, is to the order dated 10.01.2023, passed by learned Civil Judge (Senior Division), Hoshiarpur (for brevity – Trial Court), whereby application moved by the petitioner-defendant no.1, for giving directions to plaintiff and defendant no.2 (both respondents no.1 and 2 respectively before this Court) to produce their Aadhar Cards to prove their identity, has been dismissed.

2. Parties hereinafter shall be addressed to as per their original status in the suit before the learned Trial Court.

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3. The brief facts of the case, necessary for proper adjudication of the present revision petition, are that the plaintiff filed a suit for declaration and permanent injunction on the ground that she and her mother i.e. defendant no.2 are owners in possession of the suit property to the extent of half share each, being legal heirs of deceased Sarwan Singh, who died in the year 2004 leaving behind his widow (defendant no.2) and daughter (plaintiff). Defendant no.1 had got entered and sanctioned the mutation of the estate of deceased Sarwan Singh in her name by alleging herself to be his widow whereas defendant no.2 is the only legally wedded wife of deceased Sarwan Singh.

4. Defendant no.1 contested the suit inter alia on the ground that plaintiff Shindo is imposter. Her real name is Sudhir Devi. She is daughter of Ganga Ram, who is employed in Indian Army and resident of Village Magani in Tehsil Udhampur J & K. Defendant no.2 Rano Devi is not the widow of Sarwan Singh, as alleged in the plaint. She is wife of Ganga Ram. She is beneficiary of pension, gratuity and other assets of Ganga Ram in the record of Army. She gave birth to one son and one daughter from Ganga Ram.

5. During pendency of the case, defendant no.1 moved an application for giving directions to the plaintiff and defendant no.1 to produce their Aadhar Cards. The plaintiff and defendant no.2 denied having their Aadhar Cards. The learned Trial Court, vide impugned order dated 10.01.2023, dismissed the application simply on the ground that since defendant no.2 has stated that she had not been issued Aadhar Card in her favour, so the

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application was liable to be dismissed.

5. Learned counsel appearing for defendant no.1 has submitted that now, defendant no.1 has come to know that Aadhar Card bearing No.8310 0149 9663 has been issued in the name of defendant no.2. He has also produced in the Court a copy of Aadhar Card bearing the aforesaid number, issued in the name of Rano Devi (defendant no.2).

6. Learned counsel for defendant no.2 argues that it is a false document. Defendant no.2 has not been issued any Aadhar Card.

7. I have heard the submissions of learned counsel for the parties and perused the case file.

8. Since identity of the plaintiff as well as defendant no.2 is being doubted and defendant no.1 is leading evidence, so, she has every right to produce best evidence to show that the plaintiff and also defendant no.2 are not the same persons, as alleged by them in the plaint. There is specific stand on behalf of the plaintiff as well as defendant no.2 that they have not been issued Aadhar Card, so, no direction can be issued to them.

9. Keeping in view the peculiar facts and circumstances of the case in hand, and now, Aadhar Card is available in the name of wife of Ganga Ram and said document may throw light on the identity of defendant no.2, the learned Trial Court is hereby directed to summon the concerned officials from the department concerned in order to prove the authenticity of the copy of document produced in the Court by defendant no.1 i.e. Aadhar Card bearing No.8310 0149 9663, in the name of Rano Devi wife of Ganga Ram, having date of birth as 01.01.1951 and resident of Magani Barola,

Udhampur, Jammu and Kashmir – 182121, on depositing diet money by defendant no.1.

10.       The present revision petition stands disposed of in the above terms.
11.       Pending applications, if any, shall stand disposed of along with this judgment.

May 20, 2024  
monika

(GURBIR SINGH)  
JUDGE

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|-----------------------------|---------|
| Whether speaking/reasoned ? | Yes/No. |
| Whether reportable ?        | Yes/No. |