

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCR-3206 of 2019 (O&M)
Date of Order:04.03.2024

Inderjit Singh

.Petitioner

Versus

Manjit Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K.Sandhir, Advocate
for the petitioner.Mr. Vikas Gupta, Advocate
for respondent no.1 and 2.ANIL KSHETARPAL, J

1. The petitioner herein is defendant no.1 in a suit filed by the respondents (plaintiffs) for the grant of decree of declaration to the effect that the plaintiffs are co-sharers in possession qua the share of late Sh. Amrik Singh.

2. It is the case of the defendants that the actual name of the plaintiff is Smt. Jasbir Kaur wife of Sh. Surjit Singh Bhullar and she is not Smt. Manjit Kaur widow of Sh. Amrik Singh. In order to prove that fact, the defendants filed an application for summoning the following 7 witnesses:-

“1) Concerned/record clerk Maharashtra state board of secondary and higher secondary education, Pune alongwith complete original record, complete file, register, documents and complete details of student Bhullar Harpinder Kaur daughter of Surjeet Singh divisional board Nagpur seat no. J1C5906, centre no. 1342, school no. 06.302, Sr.no. of certificate 052805 march 2001 passed secondary school certificate Examination in 2001. The witness is directed to bring the

complete original file including the original register, detail marks, admission record, registration record and all the record pertaining to the above said student, i.e. witness is further directed to bring the record that when this student was applied and/or registered with the board and also bring the original application submitted by student and/or her behalf alongwith supporting and related documents submitted by the student and/or on her behalf. The witness is directed to bring the original record regarding the secondary school certificate issued to said student including A1721321. The witness is further directed to bring the original record pertaining to the name of parents of the said student with the original record documents in this regard note only such witness shall come/appear who is conversant with the signatures of the officials of board and other official on the above said record. Further the entire record should be produced in original along with it's certified and attested copies duly certified/attested by the competent authority, competent to certify and attest the same alongwith the authority letter in favour of the witness from the competent authority authorizing him/her to appear, produce and depose on behalf of the department. Incase the record to be produced is in electronic form and/or computerized in that case a certificate under section 65-B of the Indian Evidence Act should also be produced certifying the record as per the provisions of section 65-B Indian Evidence Act. In case the summoned record is in the language other than English, Punjabi and Hindi then the attested/certified translation of the same be also produced.

Rs.100/-

II) Concerned clerk/record keeper/ person-in- charge

Nagpur Mahanagar Palika Nagpur Municipal Corporation through registrar for birth and death Nagpur Municipal Corporation along with the complete original record, complete file, register, documents regarding the birth record of Harpinder Kaur fathers name Surjit Singhmothers name Jasbir Kaur date of birth 06.03.1985. The witness directed to bring the original file submitted at the time of applying for the entry of the birth of said Harpinder Kaur alongwith the annexures, supporting and related documents. The witness is further directed to bring the original register of birth and other original register, record file, documents relating to the entry of said Harpinder Kaur. The witness is further directed to bring the original record pertaining to the name of parents of the said Harpinder Kaur with the original record documents in this regard. Witness is further directed to bring the original record showing the birth certificate issued by department of the said Harpinder Kaur time to time. Note: only such witness shall come/appear who is conversant with the signatures of the officials of department and other official on the above said record. Further the entire record should be produced in original alongwith certified and attested copies duly certified/attested the by competent authority, competent to certify and attest the same alongwith the authority letter in favour of the witness from the competent authority authorizing him/her to appear, produce and depose on behalf of the department. Incase the record to be produced is in electronic form and/or computerized in that case a certificate under section 65-B of the Indian Evidence Act should also be produced certifying the record as per the provisions of section 65-B Indian Evidence Act. In case the summoned record is in the language other than English, Punjabi and Hindi then

the attested/certified translation of the same be also produced.

Rs.100/-

III) Concerned/record Tukadoji clerk Rashtrasant Maharaj Nagpur University, Nagpur alongwith complete original record, complete file, register, documents and complete details of student Harpinder Kaur daughter of Surjeet Singh Bhullar, centre no.254, College 252, Roll number428432, Med H. Summer 2006 dated 10.07, 2006. The witness is directed to bring the complete original file including the original register, detail marks, admission record, registration record and all the record pertaining to the above said student, the witness is further directed to bring the record that when this student was applied and/or registered with the university and also bring the original application submitted by student and/or her behalf alongwith supporting and related documents submitted by the student and/or on her behalf as well as of the college. The witness is also directed to bring the original record regarding the final result and certificate, degree issued to said student. The witness is further directed to bring the original record pertaining to the name of parents of the said student with the original record documents in this regard. Note: only such witness shall come/appear who is conversant with the signatures of the officials of board and other official on the above said record. Further the entire record should be produced in original alongwith it's certified and attested copies duly certified/attested by the competent authority, competent to certify and attest the same alongwith the authority letter in favour of the witness from the competent authority authorizing him/her to appear, produce and depose on behalf of the department. Incase the record to be produced is in electronic form and/or

computerized in that case a certificate under section 65-B of the Indian Evidence Act should also be produced certifying the record as per the provisions of section 65-B Indian Evidence Act. In case the summoned record is in the language other than English, Punjabi and Hindi then the attested/certified translation of the same be also produced.

Rs.100/-

- IV) *Concerned/record clerk Dayanand Arya Kanya Mahavidyalaya, Jaripatka, Nagpur through its principal lalongwith complete original record, complete file, register, documents and complete details of student Harpinder Kaur daughter of Surjeet Singh Bhullar, General Register number 1045 date of admission 13.06.2003 class in which admitted B.Com I date of admission 13.06.2003. The witness is directed to bring the complete original record, complete file, register, documents regarding the admission, study record, parents name, birth place and record till left the school etc. along with the complete details of Harpinder Kaur. The witness is also directed to bring the original record register, file showing that above said Pupil was admitted in the college and remained in the college upto what class and when left the college along with the record of his father's name, mother's name, place of birth submitted by the pupil and/or his parents/Guardian to the college with related and supporting documents. The witness is further directed to produce the original record, register and other original documents with certified attested copies showing that a Leaving certificate serial no.1863 dated 13.7.2006 under the signatures of principal of the college was issued to Harpinder Kaur by the college with the carbon copy ofthe said leaving certificate retained by college with its certified and*

attested copy. The witness is further directed to bring the original admission form and documents submitted with the form by the student with the record of school on the said form with original general register. Note: only such witness shall come/appear who is conversant with the signatures of official/headmaster and other official of the school on the record. Note: only such witness shall come/appear who is conversant with the signatures of the officials of college and other officials on the above said record. Further the entire record should be produced in original alongwith it's certified and certified/attested by the competent authority, competent to certify and attest the same alongwith the authority letter in favour of the witness from the competent authority authorizing him/her to appear, produce and depose on behalf of the department. Incase the record to be produced is in electronic form and/or computerized in that case a certificate under section 65-B of the Indian evidence act should also be produced certifying the record as per the provisions of section 65-B Indian Evidence Act. In case the summoned record is in the language other than English, Punjabi and Hindi then the attested/certified translation of the same be also produced.

Rs.100/-

- V) *Concerned/record clerk Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur alongwith complete original record, compete file register, documents and complete details of student Harpinder Kaur daughter of Surjeet Singh Bhullar, centre no.254, College 252, Roll number428432, Med H. Summer 2006 dated 10.07.2006. The witness is directed to bring the complete original file including the original register, detail marks, admission record, registration record and all the record pertaining*

to the above said student. The witness is further directed to bring the record that when this student was applied and/or registered with the university and also bring the original application submitted by student and/or her behalf alongwith supporting and related documents submitted by the student and/or on her behalf as well as of the college of the witness is also directed to bring the original record regarding the final result and certificate, degree issued to said student. The witness is further directed to bring the original record pertaining to the name of parents of the said student with the original record documents in this regard. Note: only such witness shall come/appear who is conversant with the signatures of the officials of board and other official on the above said record Further the entire record should be produced in original alongwith it's certified and attested copies duly certified/attested by the competent authority, competent to certify and attest the same alongwith the authority letter in favour of the witness from the competent authority authorizing him/her to appear, produce and depose on behalf of the department. Incase the record to be produced is in electronic form and/or computerized in that case a certificate under section 65-B of the Indian evidence act should also be produced certifying the record as per the provisions of section 65-B Indian Evidence Act. In case the summoned record is in the language other than English, Punjabi and Hindi then the attested/certified translation of the same be also produced.

- VI) *Concerned clerk/record clerk/official UIDAI regional office, 7th floor, MTNL exchange building, G.D. Somani Marg, Chamundeshwari Nagar, Cuffe parade, Ganesh Murti Nagar, Cut Parade, Mumbai through its incharge alongwith original record, register, documents pertaining*

to the Aadhaar/Aadhaar card of (1) Jasbir Kaur wife of Surjeet Singh Bhullar Aadhaar No.5101 58220962 (2) Surjeet Singh Bhullar son of Balbir Singh Bhullar Aadhaar No.466080000315 (3) Sukhwinder Singh Bhullar son of Surjeet Singh Bhullar AadhaarNo.283151281978 (4) Harpinder Kaur daughter of Surjeet Singh Bhullar. The witness is directed to bring the original record regarding the said aadhaar cards alongwith original application forms, supported documents filed with application forms, noting order of the officials as well as the biometrics taken of the said persons with the department alongwith complete record of the said Aadhaars of the above said persons with the department. Note: only such witness shall come/appear who is conversant with the signatures of the officials of department and other officials of the above said record. Further the entire record should be produced in original alongwith it's certified and attested copies duly certified/attested by the competent authority, competent to certify and attest the same alongwith the authority letter in favour of the witness from the competent authority authorizing him/her to appear, produce and depose on behalf of the department. Incase the record to be produced is in electronic form and/or computerized in that case a certificate under section 65-B of the Indian evidence act should also be produced certifying the record as per the provisions of section 65-B Indian Evidence Act. record The and certified/attested copies should be legible. In case the summoned, record is in the language other than English, Punjabi and Hindi then the attested/certified translation of the same be also produced. Rs. 100/-

VII) Sulkhchain Singh son of Gurdit Singh, 9/2, DefenceEnclave, Lane no.2, Guntala Bye pass Amritsar.

Rs.100/-.”

3. The aforesaid application has been dismissed by the trial court on the ground that the petitioner previously also filed an application to summon witnesses which was allowed and the second application filed by the petitioner is an attempt on the part of the defendants to cause delay in disposal of the case.

4. The correctness of the aforesaid order has been challenged in this revision petition.

5. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

6. The learned counsel representing the petitioner submits that respondent no.1 is projecting herself to be Manjit Kaur, whereas she is actually Jasbir Kaur wife of Surjit Singh Bhullar. He submits that the petitioner wants to summon the official record from the State of Maharashtra or its instrumentalities. He submits that the petitioner can prove all the documents by summoning witness no.1, 2, 5 and 6.

7. On the other hand, the learned counsel representing the respondents submits that the plaintiffs closed her evidence on 15.02.2017 and the petitioner is delaying the disposal of the case.

8. It is evident that there is no finding by the trial court that the aforesaid witnesses are not relevant witnesses. Though, the suit is pending for the last 13 years, however, the plaintiffs concluded her evidence on 15.02.2017. Thereafter, the defendants examined as many as 6 witnesses. They have also filed an application on 20.02.2019, which was dismissed by the trial court which led to filing of this revision petition.

9. At the most, the default on the part of the petitioner is delay in

filing the application which should not be the only reason to deny opportunity to the petitioner to lead sufficient evidence. Even, before this court, the learned counsel representing the respondents does not allege that the evidence sought to be led is not relevant.

10. Keeping in view the aforesaid facts, the revision petition is allowed. The petitioner is permitted to examine witness no.1, 2 , 4 and 6, subject to payment of costs of Rs.5000/-.

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

March 04, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO