



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

Sr. No.139-1

**CR-4491-2016 (O&M)
Date of Decision: 24.01.2025**

SURJIT KAUR AND OTHERS

....Petitioners

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Parminder Singh, Advocate
for the petitioners.

Mr. Shivendra Swaroop, DAG, Haryana,
for contesting respondents No.1 and 3.

Mr. Akash Yadav, Advocate
for contesting respondent No.2.

ARCHANA PURI, J. (Oral)

CM-19423-CII-2016

The present application has been filed for placing on record the application filed before learned Trial Court, for leading additional evidence, as Annexure P-7.

In view of the averments made in the application, same is allowed and the requisite document is taken on record.

Main case

Challenge in the present revision petition is to the order dated 05.04.2016 (Annexure P-6), passed by learned Trial Court, whereby an application filed by the respondents/defendants, to produce the additional evidence, was allowed.

Facts germane to be notice are that, initially the present



CR-4491-2016 (O&M)

petitioners (who are the plaintiffs before learned Trial Court), had filed the civil suit against the State of Haryana and others, thereby seeking declaration to the effect that the petitioners/plaintiffs along with other co-sharers and co-owners, are the owners of the land, as detailed in the head-note of the plaint, copy whereof is Annexure P-1. Further, it is submitted that when the case was at the stage of arguments, an application was filed by the respondents (who are defendants before learned Trial Court), for seeking production of additional evidence, in the form of revenue record. A copy of the said application is placed on record as Annexure P-3. After hearing the arguments on the said application, the same was allowed vide the impugned order.

The counsel for the parties heard.

After going through the contents of Annexure P-3, it is evident that though, the respondents had given the details of various paragraphs of placed in the application and that the revenue record is required to be proved, account of rectification made by various mutations, as mentioned in paragraph No.5, but however, sweeping assertion has been made to produce the revenue record, by way of adducing additional evidence. No detail has been given, as to what revenue record is intended to be produced in additional evidence.

On query by the Court, it is submitted by the State Counsel that revenue record of the pre-1900 period is to be produced. However, this is not a satisfactory answer. No details of the jamabandis have been given in the application, as well as orally, as asked, on the query by the Court.

In view of the aforesaid fact situation, the impugned order warrants interference. Hence, the revision petition is hereby accepted and the impugned order is set aside.



However, watching the interest of the State also, the respondents are at liberty to file a fresh application for leading additional evidence, if so desired, before learned Trial Court, within a period of 15 days from today onwards. Learned Trial Court, after providing an opportunity to file reply only for one date, shall decide the application expeditiously, uninfluenced by the observations aforesaid.

Accordingly, the revision petition stands disposed of.

24.01.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No