



[1] CR-3979-2024 (O&M)
Reserved on 03.11.2025
Pronounced on 15.01.2026
Uploaded on 15.01.2026

Whether only operative part of the judgment is pronounced? No

Whether full judgment is pronounced? Yes

Amrik Singh ...Petitioner

versus

Harjodh Singh and othersRespondents

[2] CR-4364-2024(O&M)

Amrik Singh ...Petitioner

versus

Harjodh Singh and othersRespondents

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Mohd. Yusuf, Advocate and
Ms. Arzoo Modi, Advocate
for the petitioner(s).

Mr. Vijay Rana, Advocate for respondent No.1.
(in both petitions)

PANKAJ JAIN, J.

[1] These are two revisions filed by the plaintiff.

[2] By way of CR-3979-2024, petitioner has impugned order dated 21.03.2024 passed by the learned Civil Judge (Junior Division), Jalandhar, whereby application filed by the plaintiff seeking permission to lead

additional evidence to prove excerpt submitted by the Revenue Officer on 16.08.2023 by examining him has been ordered to be dismissed.

[3] CR-4364-2024 is a revision petition filed by the plaintiff impugning order dated 01.12.2023 passed by the learned Civil Judge (Junior Division), Jalandhar, whereby evidence of the plaintiff has been ordered to be closed.

[4] Plaintiff filed a suit seeking decree of declaration to the effect that plaintiff and defendant No.1 are joint owners in possession of the suit land.

[5] Plaintiff claimed that the suit property in the hands of his father, namely Mohinder Singh, was ancestral in nature. Mohinder Singh was suffering from *Alzheimer's* disease and was not capable of understanding the effect of his actions. Transfer deed executed by Mohinder Singh dated 23.07.2018 is thus illegal, null and void.

[6] In order to prove the ancestral nature of land, plaintiff moved an application before the learned Trial Court for issuance of directions to Special *Kanungo* through Naib Tehsildar, Jalandhar, to prepare excerpt pertaining to inheritance of the suit property and to submit his report. The application was allowed vide Order dated 17.11.2022. A direction was issued that a Special *Kanungo* be appointed to prepare excerpt and to submit report with respect to inheritance of the suit property.

[7] Learned counsel for the plaintiff has drawn attention of this Court to Order dated 16.08.2023 to submit that upto 16.08.2023, report could not be summoned. Ahlmad attached to the Court was warned to be careful in future. He submits that as a footnote to the said order, a report was made by the Ahlmad submitting that at this stage, excerpt report has

back of the petitioner's counsel without supply of copy thereof. Learned counsel for the petitioner-plaintiff could not cross-examine the Revenue Officer. The evidence of the petitioner was wrongly closed on 01.12.2023. He submits that immediately thereafter the present application seeking permission to lead additional evidence was submitted on 18.12.2023. The learned Trial Court erred in dismissing the same too.

[8] *Per contra*, learned counsel for respondent No.1 submits that the argument raised by learned counsel for the petitioner-plaintiff is against the record. He submits that from 16.08.2023, the matter was adjourned to 13.09.2023. In Order dated 13.09.2023, it was specifically mentioned by the Court that the report of excerpt has been received and attached. Thus, it cannot be said that the report was not in the knowledge of the plaintiff. Even after 13.09.2023, the plaintiff availed three opportunities but did not lead any evidence. It is in these circumstances that the Court vide Order dated 01.12.2023 noticed that the plaintiff despite having availed numerous opportunities failed to lead evidence and was constrained to close his evidence.

[9] I have heard learned counsel for the parties and have carefully gone through record(s) of the case.

[10] In the considered opinion of this Court, the plaintiff approached this Court under Article 227 of the Constitution of India raising false averments claiming no knowledge of the report received. Perusal of the file reveals that the report of excerpt was received. The same was noticed in the *zimni* order dated 13.09.2023. The matter was thereafter adjourned to 11.10.2023, 07.11.2023, 15.11.2023 and 01.12.2023. Despite having provided sufficient opportunities, the plaintiff still failed to lead evidence.

be closed by the Court. Only if the conduct of the plaintiff during the trail was not enough, insult was added to injury by raising false averments in the revision petition.

[11] Be that as it may, this Court finds that once excerpt report prepared by the Revenue Authorities based upon public record has come on record, denying opportunity to the plaintiff to examine the Revenue Authorities is too a hyper-technical view to be formulated to advance the interest of justice.

[12] The rules of procedure having been enacted to advance justice, this Court finds that despite all his shortcomings, plaintiff deserves an opportunity to lead evidence to prove excerpt.

[13] In view thereof, the present revision petitions are **disposed off** by modifying the impugned orders to the effect that the plaintiff shall get an opportunity to lead evidence to prove excerpt report that has come on record on the directions issued by the learned Trial Court vide Order dated 17.11.2022, subject to payment of costs of ₹25,000/- to be paid by the petitioner to the respondents.

[14] The revision petitions are **disposed off** with the direction to the learned Trial Court to grant an opportunity to the plaintiff to lead evidence to prove the excerpt report submitted by the Revenue Authorities.

[15] Ordered accordingly.

[16] All pending miscellaneous application(s), if any, also stand **disposed off**.

(PANKAJ JAIN)
JUDGE

15.01.2026
'R. Sharma'

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*