

LAC No. 1619/16

04.06.2019

Present: Sh. R.S.Malik and Sh. Ramit Rana, Ld. Counsel for IP1.  
Sh. Jitender Kumar, Ld. Counsel for IP 8 with IP 8.  
IP 6 in person.

None for remaining IPs despite several calls. It is 11:30a.m. now. Matter is fixed for disposal of applications of IP 1 which is stated to be effecting the rights of only IP 2 but IP 2 has not turned up since morning. I shall proceed to decide the application.

Arguments heard on the application dated 11.02.2019 u/s 151 CPC of IP 1 for leading additional evidence to prove some order dated 30.08.2018 passed by DC (Revenue). Ld. Counsel for IP 1 submits that another application dated 16.10.2018 u/s 7 rule 14 CPC of IP 1 is also pending which is for placing on record the aforesaid order. It is submitted that IP 2 has relied upon possession report prepared by one Sh. Hari Om, Patwari. Recently, it was surfaced that the possession reports were prepared with malafide intentions in connivance with IP 2 to give undue advantage to IP 2. A detailed enquiry was conducted and it was found that entries in khasra girdawaris were changed on the basis of the said possession report that too without following the Delhi Land Revenue Rules. Accordingly, the possession reports and the consequent changes in the entry made on 05.10.2004 made by the Tehsildar have been cancelled vide the order dated 30.08.2018 passed by the DC Revenue. Ld. Counsel for IP 1 argued that the findings are

necessary to be brought on record to expose the false claim of IP2.

This is 10 years old case which is under monitoring of Arrears Committee. Sh. Malik submits that IP 1 also does not intend to cause any delay in the matter but it has become highly necessary that the falsity of claim of IP 2 must be proved and for this purpose, the detailed order and the inquiry made by the Revenue Office ought to be brought on record.

I am of the view that the document sought to be proved on record is a vital piece of document. IP 2 has not come forward to raise any objection against the application. So far as delay is concerned, I am conscious of the fact that this case deserves expeditious disposal. I am equally conscious of the fact that in a CM Main, the Hon'ble High court has stayed the pronouncement of the judgment and the next date of hearing is stated to be 23.07.2019. This period of stay can be utilized for bringing on record the aforesaid piece of evidence. In the given facts and circumstances, the application u/o 7 rule 14 CPC and u/s 151 CPC are allowed.

Matter is now posted for evidence of IP 1 for the limited purpose of proving the aforesaid order dated 30.08.2018 and necessary steps be taken by IP 1. Put up for PE on 19.07.2019.

(Neeraj Gaur)  
ADJ-1(North)/Delhi/04.06.2019