

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
Writ Petition No. 2485 (M/S) of 2012

Dharam Singh Thakur S/o Sri Amar Singh

- Petitioner

Versus

Raju S/o Sri Babu Ram

- Respondent

Hon'ble B.S. Verma, J. (Oral)

Heard Sri Neeraj Garg, Advocate, for the petitioner.

By means of this petition the petitioner has sought a writ in the nature of certiorari quashing the impugned order dated 24.11.2012 passed by 2nd Addl. Civil Judge (S.D.), Dehradun in O.S. No. 171/2007 Dharam Singh Thakur Vs. Raju and further application paper No. 77-C of petitioner be allowed and documents filed by petitioner be admitted on record.

By perusal of impugned order it shows that the assertion of the petitioner/plaintiff was that the documents which he wants to be taken on record would be helpful to substantiate the plea taken by the defendant that U.P. Act No. 13 of 1972 applies to the premises in question. The defendant raised objection that the case is fixed for argument and it is not the stage when such documents may be filed. The learned trial court has rejected the application holding that the documents are being filed after the evidence of parties has been closed and in case the documents are allowed to be taken on record it would encourage to a not ending process.

According to petitioner the document for which permission was sought to be filed is a certificate issued by Executive Engineer, P.W.D. to the effect that the property is situated 3 Kms. away from the Municipal limit, which is relevant to decide the controversy that the Act No.13 of 1972 does not apply to the property in dispute.

The certificate issued by Executive Engineer P.W.D. Dehradun is annexed with Annexure No.6 to the writ petition. From perusal of this document it reveals that the P.W.D. has issued this certificate to the effect that distance of Dehradun-Raipur Motor Marg (from Rispana bridge to Shiv Temple) is 4.60 Kms. By this document it cannot be inferred that the disputed property is out of the limit of Nagar Nigam therefore the document is not relevant to the case.

I do not find any illegality in the impugned order.

The writ petition being devoid of merit is dismissed in limine.

ISB

(B.S. Verma, J.)
30-11-2012