



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

(119)

CR-6568-2025

Date of Decision:-17.09.2025

Balbir Kaur

.....Petitioner

Versus

Surjit Kaur and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Raj Kumar Kakkar, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present civil revision petition has been filed under Article 227 of the Constitution of India *inter alia* praying for setting aside the impugned order dated 01.07.2025 (Annexure P-37) passed by the learned Civil Judge (Junior Division), Ferozepur, whereby an application dated 21.05.2025 (Annexure P-35) filed by the petitioner/plaintiff for summoning the concerned official of the Unique Identification Authority of India (UIDAI), New Delhi, was dismissed.

2. Brief facts of the case are that the petitioner/plaintiff instituted a suit for declaration claiming herself to be the owner in possession of agricultural land measuring 26 Kanals 6 Marlas, being the legal heir of Late Sh. Jalour Singh, who died issueless in the year 2003. Jalour Singh was the real brother of the petitioner, while two sisters Gurdev Kaur and Jangir Kaur had also expired leaving behind proforma respondents No.2 to 10 as



their legal heirs. Defendant No.1, Smt. Surjit Kaur, claiming that she is the legally wedded wife of Late Jalour Singh in the year 1975. The petitioner, however, pleaded that defendant No.1 was married to one Sukhdev Singh in the year 1984. Later, defendant No.1 and her husband Sukhdev Singh filed a divorce petition under Section 13-B of the Hindu Marriage Act.

Defendant No.1 received Rs. 4 Lakhs out of the total amount of Rs. 8 Lakhs as permanent alimony at the time of recording first statement and defendant No.1 fraudulently procured an Aadhaar Card showing herself as the wife of Late Jalour Singh and was relying upon the said document for claiming inheritance. The issues were framed vide order dated 03.07.2023 (Annexure P-7). During evidence, the petitioner had filed an application dated 17.12.2023 (Annexure P-8) seeking summoning of various witnesses including the concerned official from UIDAI. Despite deposit of expenses, inadvertently no summon was issued to the UIDAI official. Subsequently, a fresh application dated 21.05.2025 (Annexure P-35) was filed for summoning the said official. The same was dismissed vide impugned order dated 01.07.2025.

3. Learned counsel for the petitioner submits that the learned trial Court has fell in error in dismissing the application when the petitioner had already deposited the process fee and expenses for summoning the UIDAI official. He further submits that the evidence of the UIDAI official is most essential for the proper adjudication of the case as the claim of defendant No.1 is totally depends upon the Aadhar Card, describing her as wife of Late Jalour Singh.



4. I have heard learned counsel for the petitioner at length and perused the paper book.

5. In view of the order proposed to be passed, notice is not being issued to respondent as it would delay the proceedings besides entailing additional expenses to the respondent.

6. In light of the above and considering the fact that the petitioner has sought summoning of concerned UIDAI official in the earlier application dated 17.12.2023 (Annexure P-8) and had also deposited the requisite process fee and expenses. However, due to omission, no summons were issued to the said official. The subsequent application dated 21.05.2025 was, thus, only in continuation of the earlier request and not an attempt to fill lacunae in evidence. The fact that defendant No.1 is claiming inheritance primarily on the basis of an Aadhaar Card allegedly showing that she is the wife of late Jalour Singh, which demonstrates that the testimony of concerned UIDAI official is most essential for proper and fair adjudication of the case. Without examining the concerned official, the Court may not be in a position to determine the genuineness or authenticity of the Aadhaar Card, which is the root of the case.

7. The trial Court, while dismissing the application, failed to appreciate the materiality of the proposed witness and thereby committed an illegality and material irregularity in exercise of its jurisdiction. The settled principle of law is that rules of procedure are handmaids of justice and denial of opportunity to summon a relevant and necessary witness strikes at the root of fair trial.



8. Accordingly, the present revision petition is allowed. The impugned order dated 01.07.2025 (Annexure P-37) passed by the learned Civil Judge (Junior Division), Ferozepur is hereby set aside. The petitioner is permitted to summon the concerned official of the Unique Identification Authority of India (UIDAI), New Delhi, subject to payment of process fee and expenses, and the trial Court shall ensure expeditious examination of the said witness, in accordance with law, without granting unnecessary adjournments.

9. All pending application(s), if any, stand disposed of accordingly.

(AMARINDER SINGH GREWAL)
JUDGE

17.09.2025

Shubham

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No