

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

**Civil Revision No. 1747 of 2014 (O&M)
Date of decision:- 06.10.2015**

Ram Kumar Sharma

...Petitioner

Versus

Janardhan Dev Sharma

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Arvinder Arora, Advocate
for the petitioner.

Mr. R.K. Agnihotri, Advocate
for the respondent.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RITU BAHRI J.

This petition under Article 227 of the Constitution of India is for setting aside order dated 17.01.2014 (P-5) whereby the application filed by the plaintiff/petitioner (for short 'petitioner') for leading additional evidence, has been dismissed

Brief facts of the case are that the petitioner filed a suit for mandatory injunction directing the defendant/respondent to hand over the vacant and peaceful possession of house situated within the abadi deh of village Khanpur Brahamana Tehsil Naraingarh, Distt Ambala. The dispute is between real brothers. The impugned

application has been made at a stage when the 3 witnesses of respondent had been examined. The petitioner had already taken several opportunities to lead his evidence. The petitioner had filed the above said application only on the ground that he wants to examine one mason as well as another witness of the village.

The application of the petitioner had rightly been rejected by the trial Court by observing that he is delaying the proceedings, as this fact is already in the knowledge of the petitioner. He has further availed several opportunities to lead his evidence. He could lead his evidence in the affirmative by putting a question to D.W.4.

The revision petition is devoid of merit and is accordingly dismissed.

06.10.2015

G Arora

(**RITU BAHRI**)
JUDGE