

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 2125 of 2012 (O&M)

DATE OF DECISION : August 19, 2015

Baldev Singh

..... PETITIONER(S)

VERSUS

Shiv Singh & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. G.S. Jaswal, Advocate, for the petitioner.
Sarvshri A.S. Cheema and Rishav Jain, Advocates, for
respondent No.1.

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1. Whether Reporters of local newspapers may be
allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES/NO

3. Whether the judgment should be reported in the
digest? YES/NO

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ARUN PALLI, J. (Oral)

Vide order being assailed, dated 28.01.2012
(Annexure P-4), rendered by Civil Judge (Junior Division),
Mukerian, an application moved by the petitioner-plaintiff for
additional evidence has since been rejected.

Vide an application moved for additional evidence,
plaintiff intended to prove mutation Nos.470 and 775, regarding
inheritance of Mani Singh and prove that the suit property was

ancestral in nature. In fact, when copies of these documents were sought to be tendered by the petitioner-plaintiff even earlier, vide a formal order dated 12.12.2011, an application moved by the petitioner-plaintiff to tender these documents, was rejected. Concededly, the documents were sought to be produced when the matter was listed for rebuttal and arguments and, thus, could not be permitted to be brought on record. Concededly, the said order dated 12.12.2011 has since attained finality. Therefore, the application moved by the petitioner to adduce additional evidence and prove those very mutation Nos.470 and 715, was apparently misconceived. Even otherwise, it was not a case where the evidence that is sought to be led by way of additional evidence, was either not in the notice or knowledge of the petitioner-plaintiff or could not be adduced despite due diligence.

Learned counsel for the petitioner could not point out as to how the conclusion arrived at by the learned trial Court is either contrary to the position on record or is erroneous in law.

That being so, no interference in exercise of revisional jurisdiction, under Article 227 of the Constitution of India, is warranted. The petition being devoid of merit is, accordingly, dismissed.

AUGUST 19, 2015
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(ARUN PALLI)
JUDGE