

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

Date of decision:16.01.2015

Babu Ram

.....Petitioner

v.

Harinder Singh and another

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Sunil Kumar,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Plaintiff is in revision assailing the order dated 15.12.2014 (P-1) passed by learned Civil Judge (Junior Division) Chandigarh whereby his application for permission to get the original documents examined from a Handwriting Expert , i.e. Power of Attorney, Will and Agreement to Sell, Affidavit dated 14.7.2006 allegedly executed by plaintiff, has been dismissed.

Facts in brief are that plaintiff and defendant no.1 are real brothers. Defendant no.1 on the basis of a Power of Attorney dated 14.7.2006, Will dated 14.7.2006, Affidavit dated 14.7.2006 and Agreement to Sell dated 14.7.2006 executed by his plaintiff brother has further disposed of the residential house No.14, Palsora Colony, Sector

56, Chandigarh with possession to defendant no.2 by executing General Power of Attorney dated 25.7.2006, Affidavit dated 25.7.2006, Agreement to Sell dated 25.7.2006 and receipt dated 25.7.2006. After a delay of almost 8 years, plaintiff has challenged both sets of transactions and documents and further sought physical possession of the same. Defendant no.1 brother is stated to have filed a written statement admitting the claim of the plaintiff. It is further apparent that after the evidence of defendants was over an application seeking similar relief was moved by the plaintiff for leading evidence in rebuttal. The learned trial Court vide order dated 3.12.2014(P-4) dismissed such a prayer by specifically holding that the effort was to fill up the lacuna left by the plaintiff in his evidence. Subsequently another application has been moved seeking similar relief which has been declined vide impugned order.

Having heard learned counsel for the petitioner, this Court finds that the present revision petition is clear abuse of the process of the Court. Similar relief having been declined by the learned trial Court vide order dated 3.12.2014, which admittedly was never challenged by the petitioner/plaintiff, a subsequent application seeking similar relief is totally uncalled for and which has been rightly dismissed. The case is now fixed for final arguments and effort is to make repeated attempts to fill up the lacuna in the evidence of the plaintiff and thereby waste the precious time of the Court. Such litigants have to be strictly dealt with.

In view of the above, present revision petition is dismissed with costs of Rs.10,000/- to be deposited with District Legal Service Authority, Chandigarh.

16.01.2015
joshi

(Jaswant Singh)
Judge