

**In the High Court of Punjab and Haryana at Chandigarh**

**Civil Revision No. 2957 of 2014 (O&M)  
Date of Decision: 07.8.2015.**

Vijainder Kumar Bansal

.....Petitioner

Versus

Jai Ram

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE SABINA**

Present: Mr. Ashok Gupta, Advocate  
for the petitioner.

Mr. Vikas Behl, Senior Advocate with  
Mr. Nitish Garg, Advocate  
for the respondent.

\*\*\*\*

**SABINA, J.**

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 28.3.2014 whereby application moved by the petitioner for permission to lead additional evidence, was dismissed.

Learned counsel for the petitioner has submitted that the respondent has filed suit for possession and declaration that his thumb impressions had been taken on plain papers in a fraudulent manner. However, the agreement to sell in question dated 14.3.2005 had been marked but was required to be exhibited. Learned counsel has further submitted that in order to prove the due execution of agreement to sell dated 14.3.2005, the petitioner had moved an application for permission to lead additional evidence.

Learned senior counsel for the respondent, on the other hand, has opposed the petition and has submitted that petitioner was given full opportunity to enable him to lead his evidence. However, when the petitioner led his evidence, the document in question was not exhibited but was marked. Petitioner could not be permitted to fill up the lacuna in his case.

Respondent has filed suit for possession and declaration that his thumb impressions had been obtained by the petitioner on plain papers in a fraudulent manner. Petitioner-defendant concluded his evidence on 30.11.2011. When the case was listed for rebuttal evidence, if any, and arguments, petitioner moved the application on 13.5.2013 that he may be permitted to lead additional evidence. By way of additional evidence, petitioner wants that the documents which are on record as Mark A to Mark G, be exhibited. Petitioner was given full opportunity to enable him to lead his evidence. However, when the petitioner led his evidence, documents in question were marked as Mark-A to Mark-G. At that stage, petitioner should have made the effort to get the said documents exhibited when he was leading his evidence. However, at a belated stage, petitioner could not be permitted to lead additional evidence so as to exhibit the documents Mark-A to Mark-G. The learned Trial Court had rightly dismissed the application moved by the petitioner for permission to lead additional evidence.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)  
JUDGE**

**August 07, 2015**  
**Gurpreet**