

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 4177 of 2015

Date of Decision: July 7, 2015

Lakhwinder Singh

.....Petitioner

Vs.

Smt. Santo @ Santro and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.G.P. Singh, Advocate
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Vide impugned order dated May 26, 2015, the trial Court has allowed the defendant - respondent No.2 to examine halqa Patwari, finger print expert and Tehsildar by allowing an application under Section 114 read with Section 151 CPC, reviewing its own order dated February 2, 2015 closing the evidence of defendant- respondent No.2.

Learned counsel for the plaintiff- petitioner has vehemently urged that the trial Court has committed a serious illegality and irregularity in permitting the evidence to be produced by the defendant- respondent No.2.

I have heard learned counsel for the petitioner and carefully gone through the nature of the controversy between the parties. The plaintiff- petitioner has filed a suit for specific performance of an agreement of sale and sought possession of the property. The defendant- respondents are the heirs of Tek Singh who had allegedly agreed to sell the property in dispute to the plaintiff- petitioner. From the impugned order, it is apparent that the defendant- respondent No.2 has questioned the agreement dated December 24, 2010 challenging the signatures of the plaintiff having been scribed after scratching and rubbing the signatures of some other persons. The trial Court in the exercise of its discretion, taking into consideration the facts and circumstances of this case, formed an opinion that the examination of the three witnesses mentioned in the impugned order is necessary for the just decision of the case.

No ground is made out for interference in the said satisfaction which appears to be subjective. The rights of the plaintiff- petitioner will not be prejudiced in any manner as a fair opportunity will also be given to the petitioner to cross-examine the witnesses and to impeach their credibility enabling the Court to arrive at a just conclusion.

Dismissed.

Counsel for the petitioner, at this stage has submitted that the right of the plaintiff- petitioner to rebut the evidence produced would be seriously prejudiced.

The said contention appears to be misconceived as it will always be open to the plaintiff- petitioner to seek an opportunity to produce rebuttal evidence in accordance with law on the rebuttal issues which stand already framed by the trial Court.

July 7, 2015
sanjay

(M.M.S.BEDI)
JUDGE