

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

CR No. 4659 of 2015 (O&M)  
Date of decision: 27.07.2015

Om Parkash

.....Petitioner

Versus

Poonam Rani

.....Respondent

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

**Present:** Mr.Siddharth Gulati, Advocate  
for the petitioner.

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SABINA, J

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 9.7.2015 whereby application moved by the petitioner for permission to lead additional evidence, was dismissed.

Learned counsel for the petitioner has submitted that it was very necessary to examine Notary Public-Gurvinder Malhotra as a witness to establish the fact that the petitioner had remained present in the Office of the Joint Sub Registrar, Kaithal to perform his part of the contract. Petitioner had deposited the diet money for the said witness but due to in-advertance, he could not be examined as a witness by the petitioner while leading his evidence in the affirmative.

Petitioner has filed suit for specific performance of the agreement to sell dated 15.7.2009 . When the case was listed for

arguments, petitioner moved an application for permission to lead additional evidence. By way of additional evidence, petitioner wanted to examine Notary Public- Gurvinder Malhotra to establish the fact that he had remained present in the Office of the Joint Sub Registrar on the date fixed for execution of the sale deed. Petitioner was required to examine the said witness while leading his evidence in the affirmative. It has transpired, during the course of arguments, that the petitioner has already proved on record his affidavit to support his plea that he was present in the Office of the Joint Sub Registrar on 15.1.2010.

In the facts and circumstances of the present case, 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**

**July 27, 2015**  
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