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

CR No.4790 of 2015

Date of decision: July 31, 2015

Kashmir Singh

.....Petitioner

Versus

Gopak Krishan and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Heman Aggarwal, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 18.05.2015.

Learned counsel for the petitioner has submitted that the petitioner has filed suit for permanent injunction. During the pendency of the suit, petitioner moved an application for permission to lead additional evidence. By way of additional evidence, petitioner wanted to prove on record agreement to sell dated 01.04.1992, copy of Jamabandi for the year 2010-2011 and certified copy of order dated 26.09.1992. Trial Court disallowed the application of the petitioner qua the agreement to sell in question, whereas, the petitioner was permitted to prove on record the copy of the Jamabandi and the copy of the order dated 26.09.1992. The agreement to sell in question was very necessary to be proved on record to enable the petitioner to establish his

possession.

Petitioner has filed suit for permanent injunction claiming that he was in possession of the suit land since 01.04.1992. A perusal of the plaint (Annexure P-1) reveals that the agreement to sell dated 01.04.1992 was duly pleaded by the petitioner in the plaint. However, for the reasons best known to the petitioner, the said agreement to sell was not proved on record by the petitioner while leading his evidence in the affirmative. In these circumstances, the learned trial Court rightly held that the petitioner was well aware of the document, i.e. agreement to sell, but had failed to prove the same on record while leading his evidence. Therefore, petitioner could not be permitted to prove the same when the case was listed at the stage of rebuttal evidence. In the facts and circumstances of the present case, the trial Court had rightly disallowed the petitioner to prove on record the agreement to sell in question at the stage of rebuttal evidence.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

July 31, 2015
mahavir