

108

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

CR No.4892 of 2015

Date of decision: August 05, 2015

Satyawan

.....Petitioner

Versus

Pale Ram

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashwani Talwar, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 07.07.2015, whereby, application moved by the petitioner for permission to lead additional evidence, was dismissed.

Learned counsel for the petitioner has submitted that death certificate of Maya Devi was very necessary to be proved on record.

In the present case, petitioner has filed suit for specific performance of agreement to sell dated 07.04.2004 against Pale Ram. During the pendency of the suit, defendant No.2-Angrejo moved an application for being impleaded as a party to the suit. The said application was allowed and Angrejo was impleaded as defendant No.2. It was the case of the defendant No.2-Angrejo that she was also known as Shakuntla and was daughter of late Gyasu. It was

further the case of the defendant No.2 that she was the only child of Gyasu.

By proving the death certificate of Maya Devi, plaintiff wants to establish that defendant No.1 was not the daughter of Gyasu.

In the present case, the death certificate in question was got by the petitioner on 09.06.2011. The evidence of the petitioner was closed on 14.07.2014. Thus, there is no explanation as to why the death certificate, which was already in the knowledge of the petitioner, was not proved on record by the petitioner while leading his evidence in affirmative. In these circumstances, the learned trial Court has 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 05, 2015
mahavir