

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 5039 of 2013
Date of Decision: 13.07.2015.**

Ajit Singh

.....Petitioner

Versus

Nachhattar Singh (deceased) through LRs

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. B.S.Baath, Advocate
for the petitioner.

Mr. Rakesh Chopra, Advocate
for the respondents.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 3.8.2013 (Annexure P-4) whereby application moved by the petitioner for permission to lead additional evidence, was dismissed.

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

In the present case, respondent Nachhattar Singh (since deceased) had filed suit for permanent injunction. Evidence of the petitioner was closed by order on 7.8.2010. An application moved by the respondent (since deceased) for further cross-examination of the petitioner, was dismissed by the Trial Court vide order dated 2.11.2012.

The application in question was filed by the petitioner in April 2013 for permission to prove on record original sale deeds

executed by Darshan Singh and Kirpal Kaur in favour of the petitioner and mutations sanctioned on the basis of the said sale deeds. Admittedly, the said sale deeds were executed prior to the filing of the suit. The said sale deeds were in the knowledge of the petitioner but for the reasons best known to the petitioner, they were not proved on record. Admittedly, another suit filed by Nachhattar Singh for declaration qua the property in question is pending between the parties. The present suit has been filed by Nachhattar Singh for permanent injunction whereas the dispute qua title between the parties is pending in another suit filed by Nachhattar Singh.

In the facts and circumstances of the present case, the learned Trial Court had rightly dismissed the application moved by the petitioner for permission to lead additional evidence.

Hence, no ground for interference by this Court is made out.

Dismissed.

The amount of ₹ 25,000/- deposited by the petitioner in terms of order dated 22.8.2013, is ordered to be returned to the petitioner.

**(SABINA)
JUDGE**

July 13, 2015
Gurpreet