

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

Civil Revision No.734 of 2015

Date of Decision: 02.02.2015

Kundan Singh

..... Petitioner

Vs.

Harpreet Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Fariad Singh Virk, Advocate for the petitioner.

JASWANT SINGH, J. (ORAL)

The plaintiff is in revision aggrieved by the order dated 22.09.2014 (P-3), passed by learned Additional Civil Judge (Sr. Divn.), Samana, whereby defendant No.1-Harpreet Singh has been permitted to lead his evidence on 06.10.2014 keeping in view the spirit of the order dated 16.05.2014, passed by this Court in Civil Revision No.2786 of 2014 (O&M).

Although substantial time has lapsed since passing of order dated 22.09.2014 (P-3), the learned Counsel states that no evidence after the order (P-3) has been led by defendant No.1-Harpreet Singh on fixed two dates and is now fixed for 09.02.2015.

In brief, plaintiff-Kundan Singh is the brother of defendant No.2-Anokh Singh. The plaintiff/petitioner-Kundan Singh filed a suit on 15.06.2009 for seeking a declaration to the effect that sale deed dated 18.11.2014 allegedly executed by the plaintiff in favour of defendant No.1-Harpreet Singh qua land

measuring 17 Kanal 15 Marlas is illegal, null and void and is a result of impersonation with the connivance of defendant No.2-Anokh Singh. Consequently, relief of injunction seeking to restrain the defendants from alienating the suit land was also prayed for.

Defendant No.1-Harpreet Singh being a minor filed his written statement on 07.09.2009 through his father-Surjit Singh, whereas Anokh Singh filed his separate written statement and counter claim on 05.10.2009.

After the issues had been framed and the evidence of the plaintiff was closed, the evidence of the defendants commenced w.e.f. 11.05.2012.

It is submitted that after the defendants had availed more than 50 opportunities and having failed to examine the Handwriting Expert in their defence, their evidence was closed by the Court order, which has become final and was never challenged. It is further submitted that on an application by defendant No.1 on having attained the majority, the learned trial Court permitted him to contest the suit in his own name, vide order dated 06.03.2014. It is apparent that against the same order, Harpreet Singh/defendant No.1 filed a Civil Revision No.2786 of 2014 before this Court, which was disposed of, vide order dated 16.05.2014 (**P-1**) in limine without issuing notice to the present plaintiff thereby granting a right of presenting pleadings, affidavits etc. to the defendant No.1-Harpreet Singh. It is in pursuance to this order dated 16.05.2014, the impugned order (**P-3**) has been passed permitting defendant No.1-Harpreet Singh to lead the evidence of the Handwriting Expert.

Having heard learned Counsel for the petitioner at length and keeping in view the order dated 16.05.2014 (**P-1**), passed by this Court, the approach of the learned trial Court cannot be faulted with.

At this stage, learned Counsel for the petitioner prays for permission to withdraw the present revision petition to enable him to first seek his remedy against the order dated 16.05.2014 (P-1).

In view of the above, the present petition stands dismissed as withdrawn with the aforesaid liberty.

February 02, 2015
Gagan

(JASWANT SINGH)
JUDGE