

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.7965 of 2015

Date of Decision.28.11.2015

Shivani Gupta

.....Petitioner

Versus

Surinder Kumar and another

.....Respondents

Present: Mr. Vimal Kumar Gupta, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. A third party objector to decree for specific performance obtained by the decree-holder had given his own evidence and the decree-holder had also given evidence and cross-examined. After the side was closed, the objector wanted additional evidence to be given making reference to the fact that the decree holder had earlier filed suit for injunction had it withdrawn and then a suit for specific performance filed. According to him, such suit for specific performance itself was not competent. It was also the contention that the agreement which had been sued upon on the basis of which the decree had been obtained had several cuttings and corrections and the stamp vendor was required to be examined. It was the further contention that the decree-holder was Government servant working in the police constabulary and he had purchased the property even without taking any permission from the government. None of these contentions would require to be considered by means of additional evidence. If the

objector would want the document making reference to the dismissal of the suit for injunction as withdrawn, certified copy filed by the objector is ordered to be received and exhibited as evidence on the side of the objector and no evidence is necessary. As regards his plea that the suit for specific performance itself will be incompetent, it will be open for the objector to make such an argument and for this purpose no evidence is necessary. His contention that the agreement on the basis of which a decree was passed contained cuttings ought to have been subject of cross-examination of the decree holder at the time when he was putting his version in response to an objection given by the third party petitioner and he cannot bring it by means of additional evidence now. Even the plea that the purchase made by the decree holder without permission from the Government ought to be an aspect for being elicited in evidence by way of cross-examination when the decree holder or his representative was examining himself or any person who was representing him and it cannot be brought by means of additional evidence now.

2. I will find no justification for additional evidence other than the fact that the decree of dismissal of suit for injunction as withdrawn is alone ordered to be received for which no evidence is necessary. Notice to the respondents is dispensed with having regard to the nature of order that is passed and the revision petition is disposed of at the stage of admission itself.

(K. KANNAN)
JUDGE

November 28, 2015
Pankaj*