

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

CR No.8770 of 2015

Date of decision : 23.12.2015

Harblas

...Petitioner

Versus

Major Dharam Chand and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Aman Dhir, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

The petitioner-plaintiff is aggrieved of the order dated 04.12.2015, whereby application filed, for leading additional evidence to prove and to place on record the DVD and as well as report of Tehsildar, has been declined.

Mr. Dhir, learned counsel appearing on behalf of petitioner-plaintiff submits, that evidence aforementioned is essential and necessary for the adjudication of the suit de hors of the fact that the suit is at the stage of the rebuttal and arguments. The nature of the suit was mandatory injunction directing the defendants to restore 'Shri Guru Ravidass Ji Gurudwara Sahib' as mentioned in the head note of the plaint and also to

restore the foundation stones and the sign boards of the Community Centre/Community Hall/Janj Ghar as well as for permanent injunction restraining the defendants from making any additions, alterations, demolitions in the building of property. The aforementioned evidence was not in the knowledge of the petitioner-plaintiff despite exercise of due diligence and on acquiring his knowledge, application was moved.

I have heard learned counsel for the petitioner-plaintiff and appraised the paper book.

The suit aforementioned was filed on 19.08.2010. DVD is of the year 2010 and report of Tehsildar is of 09.04.2012. I am of the view that nothing prevented the petitioner-plaintiff to produce the documents aforementioned which were in existence by leading evidence in affirmative. The aforementioned evidence in my view tantamounts to filling lacuna as valuable right has accrued. Even the application is lacking particulars of expression “despite exercise of due diligence”.

Keeping in view the aforementioned facts, I do not find any merit in the revision petition. Impugned order is perfect, legal and justified.

Revision petition is dismissed.

23.12.2015

pawan

**(AMIT RAWAL)
JUDGE**