

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

**RA-41-C of 2013 in
RSA No. 4746 of 2010**

Date of decision : 28.10.2015

Mahender Singh & ors.

....Appellants

V/s

Sukhdev Singh & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Sharma, Advocate for the applicant.

Mr. Mani Ram Verma, Advocate for the respondents.

RAJAN GUPTA J.

This is an application for review of order dated 13.02.2013 passed by this court.

Learned counsel for the applicant has reiterated the arguments addressed earlier. He further contends that at the time of deciding the main case, application for leading additional evidence was not decided inadvertently. Thus, order dated 13.02.2013 needs to be reviewed in view of same.

Plea has been opposed by learned counsel appearing for the respondents. According to him, no reference was made to the said application at the time of hearing of main case and, therefore, the said application was not decided.

Heard.

A perusal of order dated 13.02.2013 shows that all pleas raised by the applicant were considered and dealt with by the court.

Besides, at the time of hearing of main case applicant-appellants did not

seriously press the issue regarding leading additional evidence. It appears that applicant moved an application for producing attesting witness and scribe without the original sale-deed. Application for leading additional evidence was moved at the stage when second appeal before this court was pending. This court has considered the contents of application for leading additional evidence. Applicant never produced the original sale-deed before the courts below nor at this stage. There is nothing to show that the plaintiffs can discharge the onus to prove valid execution of sale-deed dated 02.04.1991.

In view of above, there is no merit in the application to lead additional evidence. Dismissed.

October 28, 2015

Ajay

(RAJAN GUPTA)
JUDGE