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

**R.A.No.67-C of 2015 in
RSA No.576 of 2014
Date of decision: 07.09.2015**

Jagdish Singh ... Applicant/appellant

Vs.

Jasbir Singh ... Respondent

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. Ashok Verrma, Advocate
for the applicant/appellant.

AMIT RAWAL J. (Oral)

Applicant/appellant in present application, has sought review and recalling of the judgment dated 17.08.2015 passed by this Court, whereby, suit for possession, through specific performance of contract with consequential relief of permanent injunction against the defendant-appellant, has been decreed.

Mr. Ashok Verma, learned counsel appearing on behalf of the applicant/appellant submits that owing to the inadvertence, an error has been occurred in the aforesaid judgment, wherein, instead of mentioning the name of DW-7-N.K.Bansal, it has been mentioned as DW-7- N.K.Grewal.

It was argued on behalf of the appellant that after expiry of the target date, suit for mandatory injunction was filed by the appellant-defendant calling upon the respondent-plaintiff to execute his part of the agreement, owing to the fact that that Income Tax Clearance Form 34-A had been obtained. This fact could not be rebutted by the appellant, when the appeal was taken up for hearing.

After I had dictated the judgment in open Court, since the judgment has not been signed, within few minutes, Mr. Ajay Jain, learned counsel, appearing on behalf of the respondent-plaintiff pointed out that no Income Tax Clearance Certificate had been mentioned, in the aforesaid suit, for mandatory injunction and the parties to the lis had been litigating in the civil suit, since 2002 and thereafter, legal notice dated 22.04.2002 was sent. Thus, he requested that the appeal be re-heard. This Court after noticing the submission made by Mr. Ajay, Jain, Advocate, passed the following order:-

> *"After I dictated the judgment in the Court, Mr. Ajay Jain, Advocate for the respondent has brought to the notice of this Court that there is no Income Tax Clearance Certificate which had been obtained by the appellant. It was only the application.*
>
> *Let this matter be listed for 17.08.2015, for re-hearing.*
>
> *To be shown in the urgent list.*
>
> *Registry is directed to inform Mr. Ashok Verma, Advocate for the appellant telephonically about the*

listing of this matter."

It is a matter of record that judgment had not been signed, the matter was adjourned to 17.08.2015 and was re-heard at length. Learned counsel for the appellant-defendant addressed the arguments at length, in support of grounds of appeal.

This Court after noticing the oral and documentary evidence, particularly of DW-7 found that in view of the Mandate of Section 230 of the Income Tax Act, the appellant-defendant though did not plead, about obtaining of the Income Tax Clearance Certificate, in suit for mandatory injunction, but sought the same to be proved, through the testimony of DW7, had actually not been proved. This fact was in the knowledge of counsel for the appellant, but the same was not disputed.

It is in these circumstances, the judgment dated 17.08.2015 has been sought to be reviewed on the ground that there are sufficient ground for review of the matter. Since judgment dated 17.08.2015 has been rendered after appreciating the oral and documentary evidence, much less the testimony of DW-7 and the lower Appellate Court, referred DW-7 as N.K.Grewal, therefore, in my view, there is no error in the judgment dated 17.08.2015.

I do not find any reason, much less, substance, in the any of the grounds seeking the review of judgment, ibid.

In view of aforesaid observations, the review application is, accordingly dismissed.

(AMIT RAWAL)
JUDGE

September 07, 2015
savita