

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

CR No.1931 of 2016(O&M)

Date of decision: 15.03.2016

Makhan Ram

..... Petitioner.

Versus

Lakhvir Kaur

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.G.S.Sidhu, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present civil revision petition has been preferred against the order dated 02.01.2016 passed by the learned Civil Judge (Sr. Division), Barnala, vide which the application moved by the plaintiff-petitioner for seeking permission to lead additional evidence has been dismissed.

2. Learned counsel for the petitioner contended that the petitioner wants to examine the stamp vendor to show that the stamp papers have been purchased by the defendant himself. Defendant has also denied the execution of the agreement to sell. He wants to examine the document expert to prove the signatures of the defendant-respondent on the agreement to sell. He contended that this additional evidence

is essential for the just decision of the case.

3. I have duly considered the aforesaid contentions.

4. The petitioner has filed the suit for specific performance of agreement to sell dated 12.09.2008. The defendant-respondent has denied the execution of the said agreement. The petitioner has already closed its evidence. The defendant-respondent has taken the plea right from the very beginning in the written statement that she has not executed the agreement to sell in favour of the petitioner. So, the petitioner was aware of the denial of the respondent-defendant qua the execution of the agreement to sell from the very beginning. But, he has not examined the stamp vendor and the handwriting expert in his affirmative evidence.

5. This fact is not disputed that respondent-defendant has examined the handwriting expert in her evidence. It appears that only to rebut that evidence, the present application has been moved by the petitioner to lead the additional evidence. The additional evidence cannot be allowed just to rebut the evidence adduced by the opposite party in the absence of any plausible explanation as to why this evidence could not be produced earlier at the time of leading his evidence. In the instant case also no explanation has come forward from the side of the petitioner as to why he could not examine the stamp vendor and the document expert at the time of his evidence. So, no case is made out to allow the

petitioner to lead the additional evidence.

6. Thus, I do not find any illegality in the impugned order calling for any interference by this Court while exercising the supervisory powers under Article 227 of the Constitution of India.

7. Resultantly, the present revision petition having, no merits, is hereby dismissed.

15.03.2016

S.khan

(DARSHAN SINGH)
JUDGE