

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

Civil Revision No.5289 of 2016 (O&M)
Date of decision: August 22, 2016

Virender Singh

...Petitioner

Versus

Satyavrat & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Manoj Kaushik, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 5.8.2016, passed by the trial court, whereby application for leading evidence in rebuttal filed by the petitioner, has been dismissed.

Learned counsel for the petitioner has assailed the order. He submits that approach of the trial court is erroneous and against law. Earlier the witness Sombir was called by the respondent/defendants to depose before the court but he was given up by the defendants, who is an important witness.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears that a suit for declaration with consequential relief of permanent injunction was filed by the plaintiff/petitioner against the respondents for declaring deed dated 22.7.1996 as well as mutation No.815 to be valid and legal documents and further declaring the

petitioner as adopted son of Rishal Singh. At the stage of final arguments, petitioner filed instant application for leading evidence in rebuttal by examining Sombir Photographer, who can depose about the factum of time of death of Shri Ram and Rishal Singh as he was present at their last rites. A perusal of the order shows that specific pleas regarding the time of death of Rishal Singh and Shri Ram have been taken by both the parties in their pleadings. Moreover, the witness namely, Sombir, who is now sought to be examined in rebuttal evidence, has already been examined as PW6 and tendered his affidavit Ex.PW6/A, wherein he has specifically stated that on 15.01.2004, he attended funeral of Rishal Singh. The plea of the petitioner at this stage that the witness was not cross-examined by the respondents, is not tenable. It is evident that petitioner now wants to fill up lacunae of his case. I find no infirmity with the order. Revision petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

August 22, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No