

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.564 of 2016

Date of Decision.29.01.2016

Roshan Lal

.....Petitioner

Vs.

Ram Asra Mal now deceased through LRs

.....Respondent

Present: Mr. Vineet Chaudhary, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. A needless overdoing of job by plaintiff is what is the cause of revision petition now. In a suit for specific performance of alleged oral agreement of sale by the 1st defendant, the plaintiff wanted to bring an evidence after plaintiff's side was closed and after the defendants had also given the evidence that the sale of stamp paper contained the signature of first defendant who has since died and the signature shall be proved as that of 1st defendant. Under normal circumstance I would have left it to the best intentions of the plaintiff to secure whatever evidence was possible. In this case, since the evidence of the plaintiff and the defendant have also been closed, I find it necessary to examine whether there was any serious prejudice if additional evidence as sought to be given is not given. The point now taken is that the purchase of stamp by the 1st defendant was with an intent to sell the property which would have afforded corroborative

evidence of the oral agreement of sale. If there is a register which contains the signature of the 1st defendant and if that register contained an entry of sale of stamp to the 1st defendant, that aspect ought to have been known even at the time when he was giving his evidence and if that register was brought already in Court, no other evidence was necessary. Even a proof of signature in the register cannot advance the case of the plaintiff to establish that there was an oral agreement of sale, for it has to merely depend only on his oral assertion and the credibility which the court is prepared to attach to it that the defendant had contemplated to sell the property to the plaintiff and that was the reason why he purchased the document. His signature in the register will not prove anything and on the other hand, it is the evidence that the documents were purchased with an intent to sell pursuant to the oral agreement alone that can help the plaintiff to secure the decree in the manner in which he sought for.

2. There is no serious prejudice which can be caused to the plaintiff by denying him opportunity for examination of expert and allowing for additional evidence to be given. I will make no intervention in the revision petition. The revision petition is dismissed.

(K. KANNAN)
JUDGE

January 29, 2016
Pankaj*