

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

Civil Revision No.6685 of 2016 (O&M)
Date of Decision: October 05, 2016

Partap Singh

...Petitioner

Versus

Jasbir Singh (since deceased) through L.Rs. & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Harjot Singh Mann, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-plaintiff is aggrieved of the impugned order dated 9.9.2016, whereby the application of respondent-defendant No.1 for examining the expert by placing on record the report of the expert by way of additional evidence to compare the agreement to sell dated 23.9.2006 with registered sale deeds dated 2.12.1999 and 2.9.1997, has been allowed.

Mr.Harjot Singh Mann, learned counsel for the petitioner-plaintiff submits that the suit for specific performance of the aforementioned agreement was filed way back in the year 2010 against Jasbir Singh and Dilbagh Singh. Jasbir Singh had appeared and filed written statement. Thereafter he died. Plaintiff has proved the agreement to sell by examining the attesting witness and as well as expert. The defendants could have examined the expert while leading evidence in affirmative. He further submits that it is too late in a day for entertaining the application for additional evidence when the trial of the suit had already concluded. It

tantamounts to delaying the adjudication of the matter.

I have heard the learned counsel for the petitioner-plaintiff, appraised the paper book and of the view that the order under challenge is most innocuous as the plaintiff would have a right to cross-examine the expert sought to be examined by way of additional evidence for the purpose of comparing the signatures with the sale deeds aforementioned, but it should have been subject to certain costs as the suit is of the year 2010 and the application has been moved after closing of the evidence.

I do not intend to differ with the findings. Leading of additional evidence would be subject to payment of costs of ₹10,000/-. I do not issue notice of motion as it would save the time of the Court, much less of the parties and defray the litigation expenses of the other party and amount of costs would be consumed in engaging the counsel.

The order under challenge is upheld with the aforementioned modification.

Revision petition stands disposed of.

October 05, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No