

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

CR No.7025 of 2016(O&M)

Date of decision:21.10.2016

Ram Diyal

....Petitioner

VERSUS

Rinku and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Jayoti Parshad Sharma, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition has been directed against order dated 27.09.2016 (Annexure P-5) passed by the trial Court whereby application filed by the petitioner/plaintiff for additional evidence has been dismissed.

Counsel for the petitioner has submitted that the petitioner may be allowed to examine Prem Chand, Lambardar, whose name had been typed on Vasika No.643/1 dated 31.10.2006 but registered on 02.11.2006. It is further submitted that no prejudice shall be caused to the respondents/defendants in case Prem Chand, Lambardar, is allowed to be examined and the respondents can well be compensated with costs for delay, if any, attributable to the petitioner.

I have heard counsel for the petitioner, perused the paper-book and the various annexures.

A perusal of the impugned order would make it evident that the sale deed in question actually bears No.6543/1 in place of 643/1 that has already been marked as Ex.PW5/A. A plain reading of the application

(Annexure P-3) does not give an inkling as to how examination of Prem Chand, Lambardar, is necessary much less material for proper adjudication of the case. As the petitioner himself has challenged the aforesaid sale deed which was marked as an exhibit during the course of his evidence, it is difficult to accept plea of the petitioner that it is only during the course of defence evidence he came to know that name of Prem Chand, Lambardar, has been typed on the aforesaid sale deed. The plea raised by the petitioner appears to be patently false, sufficient to disentitle him to seek indulgence of the Court in exercise of its discretionary jurisdiction. That being so, I do not find any reason to interfere in the discretion exercised by the trial Court.

Dismissed.

OCTOBER 21, 2016

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no