

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

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Civil Revision No.8700 of 2015
Date of Decision: January 07, 2016

Harbansh Singh and others

...Petitioners

Versus

Smt. Surjeet Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Parminder Singh, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this revision is to the order dated 11.09.2015 passed by the Additional Civil Judge (Senior Division), Assandh, whereby two applications filed by the respondents-plaintiffs i.e. one for additional evidence and another for permission to compare the thumb impressions of defendants 1 and 5 with thumb impressions on the agreement to sell dated 17.10.1985, have been allowed.

2. It is the contention of learned counsel for the petitioners that the agreement to sell is dated 17.10.1985, which is a forged and fabricated document. The present suit is at the fag end of the case when it is fixed for rebuttal and arguments and by allowing the present applications, the stand of the petitioners-defendants has been prejudiced. His further contention is that there is no *bona fide* and justifiable explanation for not producing the original agreement to sell at the time when the evidence was being led by the respondents-plaintiffs. He, thus, contends that the impugned order dated 11.09.2015 by which the applications have been allowed by the trial Court, is not sustainable and deserves to be set aside.

3. I have considered the submissions made by learned counsel for

the petitioners and with his able assistance, have gone through the impugned order but do not find any illegality in the same.

4. While allowing the application for additional evidence, the Court has rightly observed that there was an F.I.R. No.241/13 under Sections 420/467 IPC registered at Police Station Assandh, where the said document which is now alleged sought to be produced on record i.e. the original agreement to sell dated 17.10.1985, was submitted and was in the custody of the police regarding investigation of the said case. The said document has now been obtained by the respondents-plaintiffs and, therefore, is now being sought to be produced by way of additional evidence. The reasoning, as has been assigned by the Court, is fully justified as there is reasonable explanation given by the respondents-plaintiffs for non-production of the original agreement to sell dated 17.10.1985 at the earlier stage.

5. As regards the second application with regard to permission to compare the thumb impressions of defendants 1 and 5 with thumb impressions on the agreement to sell dated 17.10.1985 is concerned, the said aspect has also been rightly dealt with by the Court below and has given cogent and justifiable reasons for permitting the same which also do not call for any interference by this Court.

6. Finding no merit in the present revision petition, the same stands dismissed.

January 07, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE