

109. RA-CR No.141-CII of 2016 in C.R. No.3394 of 2016

Balwinder Singh Vs. Pal Singh @ Harpal Singh and another

Present: Mr. G.S. Ghuman, Advocate
for the applicant-petitioner.

The petitioner's grievance is against the order allowing for additional evidence to be given. It was a case of the plaintiff contending that there was a power of attorney given by Balwinder to Pal Singh and the sale was executed by Pal Singh in favour of the deponent on 30.01.2008. It was the contention that neither Pal Singh nor him was ever informed about of revocation of the power of attorney. It was also stated originally that cancellation of power of attorney was not even informed to the Registrar. After the evidence was given and the cross-examination was also completed, the defendant has again reiterated the fact of the lack of knowledge of cancellation of power of attorney through the additional affidavit. The Court has allowed for the additional affidavit to be brought on record. The objection by the plaintiff is that the fact of what was stated already is again stated in the additional affidavit and no purpose will be served. I asked the counsel as to how it will constitute any prejudice when there was no contradictory statement to the statement already made nor has the party attempted to withdraw any statement of what had already been given. The counsel is unable to point out to me anything substantial and refers a judgment of the Supreme Court in **Ram Rati Vs. Mange Ram and others MANU/SC/0260/2016** as constituting a binding precedent. The said judgment referred to issues that had been omitted to be stated in entire evidence and impermissibility of further elaboration of evidence. We do not confront such a situation in this case.

The order is maintained and the review application is dismissed.

(K. KANNAN)
JUDGE

May 28, 2016
Pankaj*