

266 CM No.604-CII of 2016 in
RA No.286-CII of 2015 in
CR No.4135 of 2014

Inderjit Sharma Vs. Bahadur Singh and ors.

Present: Mr. Angel Sharma, Advocate for the petitioner.

Mr. Rajesh Sethi, Advocate &
Mr. Arun Biriwal, Advocate and
Ms. Pridhi Jaswinder Sandhu, Advocate
for the respondent Nos.2 and 3.

RA No.286-CII of 2015

I have heard learned counsel for the parties.

The petitioner has sought review of the order dated 02.11.2015, whereby liberty is granted to summon the original agreement to sell and execution of the same through the testimony of the plaintiff himself. The relevant para of the order reads thus:-

“1. The order already passed closing the evidence is set aside for the plaintiff cannot be faulted for the document that was allowed to be taken from his custody to the police. The court shall issue summon for the original agreement of sale from the criminal court where it is said to have been filed by the police prosecuting the case against the defendant No.1. If the document is produced in court, the counsel for the petitioner says that he shall be permitted to cross-examine the defendant. There is no such permission necessary for the plaintiff is always at liberty to confront the document and carry on with the cross-examination, a right which he always has. The document shall be exhibited on production of the plaintiff himself, affirming the same and beyond this, no further opportunity will be given to the plaintiff to examine any other witness on the plaintiff's side. The court, while ordering notice, has directed Rs.20,000/- might be required to be paid for

unnecessary delay caused in the trial.

2. The impugned order is set aside and the revision petitioner will pay Rs.20,000/- as costs to the respondents for the delay caused.”

The aforementioned order reveals that plaintiff was not given any other opportunity to examine any witness.

Prayer in the application is for examination of the witness of the agreement to sell. It has come on record that evidence is concluded on 27.05.2014 and had already examined one of the attesting witness namely Rakesh Kumar son of Rajinder.

In view of such situation, I do not deem it appropriate to review the order dated 02.11.2015 as the attempt is made to delay the adjudication of the suit and not to bring the truth.

No interference is made out.

Dismissed.

14.03.2016

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**(AMIT RAWAL)
JUDGE**