

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

CR No.3280 of 2017
Date of decision : 21.08.2017

Tehal Singh

...Petitioner

Versus

Smt. Darshana Rani

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dilpreet Singh Gandhi, Advocate for the petitioner.

Mr. V.K. Kaushal, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

The defendant is in revision petition against the order dated 27.03.2017 allowing the application filed by the plaintiff for permission to lead additional evidence so as to examine the official from the office of Tehsildar Sales, Amritsar along with the record relating to the property No.2643/7, Gate Bhagtanwala, Amritsar.

The learned trial Court, after appreciating the contention of both the parties, has allowed the application subject to the payment of cost of ₹1,000/-.

Learned counsel for the petitioner has submitted that the petitioner is now disputing the ownership of the defendant which is not her case in the plaint. He further submits that the learned Civil Judge has passed the order without appreciating the controversy involved in the present case.

On the other hand, learned counsel for the plaintiff has supported the order passed by the learned Civil Judge.

A reading of the application for additional evidence shows that the plaintiff just wants to examine the official from the office of Tehsildar Sales so as to prove the ownership of Jamait Singh, father of the defendant. The plaintiff had filed a suit for permanent injunction claiming to be the tenant in the property in dispute. Therefore, it cannot be said that the plaintiff is now disputing the ownership of the defendant.

Learned counsel for the petitioner has further submitted that the Court has failed to examine the question that this evidence was already in the knowledge of the plaintiff.

I have considered the submission. It is specifically stated by the plaintiff in her application that the defendant during cross-examination for the first time disclosed that Jamait Singh father of the defendant had purchased the shop in question from Custodial Department.

In view of the aforesaid position even the second submission of the learned counsel for the petitioner has no force.

For the reasons stated above, I do not find any good ground to interfere with the order passed by the learned Civil Judge, Amritsar.

Revision petition is dismissed.

21.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No