

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

**CR No.3519 of 2017 (O&M)
Date of decision: 16.05.2017**

Sukhraj Singh

... Petitioner

Vs.

Kulwant Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Karanjit Singh, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 27.04.2017 (Annexure P-1) passed by the learned trial Court, whereby his application for additional evidence was dismissed, defendant has approached this Court by way of instant revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

Facts are hardly in dispute. Plaintiffs filed their suit for possession by way of specific performance of agreement to sell dated 08.12.2009. Suit was filed way back in April, 2012 and it is pending for the last more than five years. It is also not in dispute that the petitioner-defendant was granted as many as 11 effective opportunities for producing his evidence. Defendant-petitioner himself closed his evidence on 27.02.2017. Even thereafter, one more opportunity was

granted to the petitioner for producing his documentary evidence. It was at this belated stage that the defendant-petitioner filed the application for additional evidence, whereby he wanted to prove his pleaded case that he did not sign the agreement to sell, by getting his thumb impression compared with the help of handwriting and fingerprints expert.

A bare perusal of the impugned order would show that the only relevant document in question was the agreement to sell dated 08.12.2009 Ex.P1. Once the defendant has denied his signatures and thumb impression on the agreement to sell in his written statement, this fact was well known to him right from day one. In such a situation, the very first piece of evidence, which ought to have been produced by the petitioner, was to focus on the agreement to sell Ex.P1, producing himself as well as the expert witness, if so required. As recorded by the learned trial Court, the petitioner was granted as many as 11 effective opportunities.

At this stage, learned counsel for the petitioner seeks permission of the Court to withdraw the present revision petition.

Permission is granted.

Dismissed as withdrawn.

[RAMESHWAR SINGH MALIK]
JUDGE

16.05.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No