

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CR-5603 of 2017(O&M)

Date of Decision:18.09.2017

Sombir Singh and another

.....Petitioners

Versus

Suresh Kumar Goel and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.Alok Kumar Jain, Advocate,
for the petitioners.

RAMESHWAR SINGH MALIK, J.(Oral)

Present civil revision petition filed under Article 227 of the Constitution of India, at the hands of defendants, is directed against the order dated 03.03.2017 passed by the learned trial court, whereby their application for demarcation of the suit land and bringing said piece of evidence by way of additional evidence, was dismissed by the learned trial court.

Heard learned counsel for the petitioners.

It has gone undisputed before this Court that after conclusion of evidence by the plaintiff, defendant Nos.1 and 2-petitioners herein started leading their evidence. They did not make any such prayer before the learned trial court for getting the suit property demarcated, while they were leading their evidence. Evidence of the petitioners was closed by court order. Even said order was accepted by the petitioners as they did not

challenge the same. In this view of the matter, present application for additional evidence so as to get the suit land demarcated and then bring on record the demarcation report, would not be maintainable. It is so said because the petitioners had an opportunity but they did not avail the same at the proper time. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

A bare perusal of the impugned order would show that the learned trial court considered and appreciated each and every relevant aspect of the matter before passing the impugned order. Case is at the final stage i.e. for rebuttal and arguments. Further, impugned order was passed as far back as on 03.03.2017. Petitioners have been proceeding on a casual approach. The learned trial court while passing the impugned order, rightly found that the petitioners were not entitled for leading additional evidence. Under these undisputed facts and circumstances of the case, it can be safely concluded that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned order passed by the learned trial court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order has been found based on sound reasons and the same deserve to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

September 18, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No