

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5971 of 2017 (O&M)
Date of decision: 05.09.2017

Karamjit Singh

... Petitioner

Vs.

Baljinder Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. A.S. Sullar, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 05.08.2017 (Annexure P-2) passed by the learned trial Court, whereby his application for leading additional evidence was declined, plaintiff has approached this Court by way of instant civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order passed by the learned trial Court will make it crystal clear that PW4 Manpreet Singh, Kanungo had already been examined by the plaintiff-petitioner, while leading his evidence in affirmative. Thereafter, defendants started and concluded their evidence. When the case came up for arguments, plaintiff-petitioner had a second thought and moved this application for additional evidence, so as to seek permission of the Court to examine Harbans Singh, retired Kanungo to prove

his case further. It was this application for additional evidence moved by the plaintiff-petitioner, which was rightly dismissed by the learned trial Court, by passing the impugned order. It is so said because firstly, it is not even the argued case on behalf of the petitioner that he intended to examine Harbans Singh, retired Kanungo, while leading his evidence in affirmative and secondly, examination of Harbans Singh, retired Kanungo was so mandatory to prove his case. It is so said because PW4 Manpreet Singh Kanungo had already been examined by the petitioner. It was the same revenue record, which was being sought to be proved by Harbans Singh, retired Kanungo and regarding the same revenue record, PW4 Manpreet Singh Kanungo had already been examined. Having said that, this Court feels no hesitation to conclude that the learned Court below was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

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

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 since no illegality or perversity has been found in the impugned order, the same deserves to be upheld. The revision petition having

been found wholly misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

05.09.2017
vishnu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No