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

**Civil Revision No.6548 of 2014
Date of Decision: 20.07.2017**

ASHOK KUMAR

.....Petitioner

Vs

PRAHLAD SINGH & ORS

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sanjay Verma Advocate
for the petitioner.

Mr. N.D. Achint, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J.

[1]. Petitioner has assailed order dated 29.08.2014 passed by Addl. Civil Judge (Sr. Divn.) Pataudi, District Gurgaon vide which application under Section 151 CPC filed by him for leading additional evidence to examine document writer/typist was declined.

[2]. Brief facts are that petitioner/defendant No.2. Ashok Kumar wanted to lead additional evidence to examine document writer as typist. The case was at the stage of rebuttal and arguments. Petitioner stated that at the time of preparation of the case, it came to the knowledge of his counsel that evidence

of the petitioner was inadvertently closed on 13.08.2014 by the counsel without the statement of document writer as essential witness to the agreement to sell (Ex.D-1). The said mistake was claimed to be a *bona fide* mistake.

[3]. Trial Court dismissed the application after noticing the fact that on 13.08.2014, the petitioner himself had closed the evidence after availing 10 effective opportunities. Respondents have denied the averments contained in the application on merit. Defendant No.2 wanted to get examine the deed writer of agreement to sell (Ex.D-1) on the ground that inadvertently, he could not be examined in the defendant's evidence.

[4]. The trial Court also noticed that the perusal of agreement to sell (Ex.D-1) did not show the name of any person, who has drafted the said agreement. The name of the deed writer was not even mentioned in the application filed by the petitioner. Respondents have taken the objection with regard to the name of person sought to be examined. Petitioner was not in a position to disclose the name of person to be labelled with the status of deed writer in the application so filed for the said purpose. The applicant was not aware of the name of said person, who drafted the said agreement to sell. Even, though the name of the witness was not required to be divulged before moving the said application, but the document itself

should reveal the name of person, who has drafted the same.

[5]. Learned counsel for respondent No.1 has also added the fact that even in the list of witnesses name of Vasant Bhargav typist, Court Complex, Pataudi has not been cited by the petitioner. In this way name of Vasant Bhargav was not found in existence in the agreement to sell, in the application so filed by defendant/petitioner in the Court and even in the list of witness relied upon by the defendant/petitioner.

[6]. In view of above, I do not find any merit in the submission made by learned counsel for the petitioner. This revision petition is found to be totally bereft of merits and the same is accordingly dismissed.

July 20, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No