

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.725 of 2017 (O&M)
Date of decision: February 21, 2017

Ashok Kumar and another ...Petitioners

Versus

Vinod Kumar ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Atul Goyal, Advocate for the petitioner.

Rajan Gupta, J.

CM-2994-CII-2017:

This is an application for placing on record affidavit of the petitioner. Application is allowed as prayed for. Affidavit is taken on record. Registry to page mark the paper book accordingly.

CR-725-2017:

Present revision petition is directed against the order dated 13.12.2016, passed by the trial court, whereby application for leading additional evidence filed by petitioners in order to prove postal receipts of reply to the legal notice and certain bank accounts, has been rejected.

Learned counsel for the petitioners has assailed the order. He submits that approach of the trial court is erroneous and against law. Earlier said documents were not traceable, therefore, same could not be produced at the appropriate stage.

I have heard learned counsel for the petitioners and given

Careful thought to the facts of the case.

It appears that a suit for possession by way of specific performance of the agreement to sell was filed by the plaintiff/petitioners against the respondent/defendant. After framing of issues, plaintiffs led their evidence. Same was closed by them on 12.8.2016. At the stage of defendant's evidence, instant application was filed by the petitioner/plaintiffs for leading additional evidence for proving postal receipts of reply to the legal notice as well as certain bank accounts. Same was dismissed by the trial court observing that sufficient opportunities had already been granted to the petitioners but they could not examine the said witnesses. A perusal of impugned order shows that fourteen opportunities were granted to the plaintiffs, which was ultimately closed by plaintiffs by making a statement and case was adjourned for defendant's evidence. Thereafter, plaintiffs, moved application under Order 6 Rule 17 CPC for amendment of plaint, which was allowed by the trial court and again plaintiffs availed six opportunities and finally closed their evidence on 09.11.2016. I find no infirmity with the order. Besides, counsel for the petitioners has not been able to show any relevance of the documents sought to be produced. Revision petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

February 21, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No