

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

Civil Revision No.8348 of 2016 (O&M)
Date of decision: January 31, 2017

Nisar Mohammed and others ...Petitioners

Versus

Simant Chauhan and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Atul Yadav, Advocate for the petitioners.

Rajan Gupta, J.

Present revision petition is directed against the order dated 30.11.2016, passed by the trial court, whereby application for leading additional evidence filed by petitioners 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 the handwriting and finger print expert could not be examined, therefore, petitioners want to examine the expert witness to prove that alleged sale deeds are forged and fabricated documents.

I have heard learned counsel for the petitioners and given careful thought to the facts of the case.

It appears that a suit for declaration with consequential relief of permanent injunction was filed by the plaintiff/petitioners against the respondents seeking declaration that they were owners in possession of land measuring 08 Kanals 30 Marlas, situated in the revenue estate of

village Sakatpur, District Gurgaon. At the stage of final arguments, petitioners filed instant application for additional evidence seeking to produce Handwriting and Finger Print Expert. Prayer has been rejected by the trial court. A perusal of the order shows that sufficient opportunities were granted to the petitioners to lead their evidence and same was ultimately closed on 9.9.2016 by their counsel after tendering certain documents. When part arguments had been heard and defendants raised objection that no expert opinion was taken by the plaintiffs, instant application was filed by the plaintiffs. Petitioners had failed to examine expert witness at appropriate stage. It is evident that petitioners now want to fill up lacunae of their case. I find no infirmity with the order. Revision petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

January 31, 2017
'Rajpal'