

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.8589 of 2015
Date of Decision:29.8.2017**

Raj Kumar and another

...Petitioners

Versus

Jagdish Lal Gupta and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Anil Chawla, Advocate for the petitioners.
Mr.A.P.S.Sandhu, Advocate for respondent No.1.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 24.11.2015 passed by the learned trial court, whereby application of defendants for exhibiting the sale-deed dated 17.4.2003 was dismissed by the learned trial court, petitioners have approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued.

Heard learned counsel for the parties.

It is a matter of record that plaintiff-respondent No.1. has filed a suit for declaration to the effect that sale-deed dated 17.4.2003 alleged to have been executed by Shri Som Dev Gupta in favour of defendants in respect of the suit property was null and void. The said sale-deed has been brought on record by the plaintiff as Mark `A'. After conclusion of the

plaintiff evidence in the affirmative, defendants-petitioners were granted as many as 52 effective opportunities to lead and conclude their defence evidence. After availing 52 opportunities, defendants-petitioners concluded their evidence. When the case was listed for arguments, present application was moved on behalf of the defendants, seeking permission of the learned court to exhibit the above-said sale-deed in their evidence. It was this application, which has been dismissed by the learned trial court, while passing the impugned order. 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.

It is so said because firstly onus would always be on the plaintiff to prove his pleaded case, by leading cogent and convincing evidence. Secondly, if the defendants-petitioners were so concerned about this sale-deed dated 17.4.2003 and they admittedly availed as many as 52 opportunities for leading their evidence, nobody stopped them for exhibiting the said sale-deed in their evidence. They did not do so and that too for no good reasons. It was too late in the day for the petitioners to move the application at the final stage of the suit. Considering all the relevant aspects of the matter, the learned trial court rightly passed the impugned order, which does not cause any prejudice to either of the parties including the present petitioners 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, 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 is supported by sound reasons, because of which no fault can be found with it and the same deserves 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 instant civil revision petition is wholly 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, the present civil revision petition stands dismissed, however, with no order as to costs.

29.8.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No