

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

CR No.1074 of 2017
Date of decision : 22.03.2018

Gurmail Singh

...Petitioner

Versus

Hari Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.D. Sharma, Advocate and
Mr. Lalit Chander Sharma, Advocate for the petitioner.

Mr. Harshit Jain, Advocate for respondent Nos.1 to 3 and 6.

ANIL KSHETARPAL, J. (ORAL)

The order passed by the learned First Appellate Court declining the prayer for permission to lead additional evidence, has been challenged in this revision petition.

Learned First Appellate Court has noticed that the plaintiff-petitioner has failed to meet with the parameters provided under Order 41 Rule 27 CPC. The Court has further noticed that the reasons assigned by the Court for filing an application under Order 41 Rule 27 CPC are also without any basis. The plaintiff-petitioner has pleaded that such documents which are part of the revenue record, could not be obtained by the plaintiff. The plaintiff has not disclosed as to what efforts were made to obtain/secure the aforesaid document when the suit was pending in the trial Court.

The plaintiff had filed a suit claiming that the property is Joint Hindu Family Ancestral Property. In order to succeed, the plaintiff was required to prove that the property was Joint Hindu Family Ancestral Property. The plaintiff should have been vigilant in producing the evidence to prove his case. Since, the plaintiff has failed to lead such evidence. The suit was dismissed. The plaintiff filed the first appeal on 06.01.2013. The application for additional evidence was moved after more than 2 years.

In view of the aforesaid, there is no scope for interference.

Revision petition is dismissed.

22.03.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No