

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

**C.R. No.170 of 2018
Date of Decision.15.01.2018**

Maninder Kaur

.....Petitioner

Vs

Jagmandeep Singh

.....Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. J.K. Singla, Advocate for
Mr. JPS Brar, Advocate
for the petitioner.

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AMIT RAWAL J.(ORAL)

The petitioner-defendant is aggrieved of the dismissal of the application moved for producing on record the additional evidence in proceedings under Order 9 Rule 13 CPC for setting aside the ex parte judgment and decree dated 3.12.2012 whereby the suit titled as “Jagmandeep Singh Vs. Maninder Kaur” seeking specific performance had been decreed.

Learned counsel appearing on behalf of the petitioner-defendant submitted that the petitioner-defendant, Maninder Kaur, was not served properly as the address given in the memo of parties was incorrect. Respondent-plaintiff managed to obtain the ex parte judgment and decree by concealing the facts and the application under Order 9 Rule 13 CPC by taking the aforementioned grounds was filed. However, during the pendency of the application, certain facts surfaced i.e. with regard to the acquittal of the petitioner-defendant, who was an accused in the FIR lodged by the uncle of the petitioner-defendant. That would be essential and necessary for proper adjudication of the application moved under Order 9 Rule 13 CPC, therefore,

in this backdrop of the matter, the application was moved for placing on record the additional evidence.

I have heard learned counsel of the petitioner, appraised the paper book and of the view that such an attempt is nothing but adoption of delaying tactics, as the FIR registered under Section 420 IPC at the instance of the uncle of the petitioner has nothing to do with the agreement to sell dated 30.09.2011. Mr. Singla, learned counsel appearing on behalf of the petitioner also apprised that the agreement to sell has already been executed.

Without commenting on the merits and demerits of the application under Order 9 Rule 13 CPC pending adjudication before the trial Court, which would be decided on the basis of preponderance of evidence, the fact of the matter is that the acquittal order sought to be placed on record by way of additional evidence is wholly mis-conceived and fallacious attempt. Therefore, I do not find any reason to interfere with the order under challenge as the same cannot be said to be passed without jurisdiction or beyond jurisdiction. No ground for interference is made out.

The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

January 15, 2018
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No