

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

CR No.1735 of 2018 (O&M)
Date of decision : 15.03.2018

Ranbir

...Petitioner

Versus

Nirmal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

CM No.5386-CII of 2018

For the reasons stated in the application, which is supported by an affidavit, legal heirs of plaintiff No.1-Satish Chander, as mentioned in para No.2 of the application, are ordered to be brought on record, for the purpose of prosecuting the present revision petition.

Application is allowed.

Main Case

The defendant-petitioner is in the revision petition against the order passed by the learned trial Court permitting the plaintiffs to lead additional evidence. The documents sought to be produced on record are as under:-

1. The judgment passed by the learned Additional Sessions Judge, Sonapat dated 07.09.2017.

2. Certified copy of the statement of Amit Kumar son of Satish Chander in the aforesaid case.
3. Certified copy of the sale deed dated 12.04.2007 and examination of Finger Print and Handwriting Expert.

Learned trial Court has noticed that the original sale deed, execution whereof is being disputed by the plaintiffs, was not available on the file, when the plaintiffs closed their evidence.

It may be significant to note that an application was filed by the plaintiffs on 21.05.2012 directing the defendant to produce the original sale deed. In reply, the defendant submitted that the original sale deed is part of the criminal Court file. Hence, application was dismissed as infructuous.

In this case, learned trial Court after thoroughly appreciating the facts of the case and the evidence led by the parties, has allowed the application.

Learned counsel for the petitioner has submitted that he has no objection to the production of the copy of the judgment and the copy of the sale deed, however, he submits that the statement of Amit Kumar and expert cannot be permitted to be adduced in additional evidence. In this aspect, it may be noticed that the learned trial Court has already observed while passing the order that original sale deed was not available either with the Court or to the plaintiff on the date, they closed their evidence. Such being the position, once the original sale deed was not available, the execution whereof is being disputed, it was not possible for the plaintiffs to examine any Handwriting and Finger Print Expert.

In the present case, the learned Court has exercised his

discretion and allowed the plaintiffs to lead additional evidence.

This Court does not find that the order is either erroneous or perverse.

In view thereof, there is no scope for interference. However, once the plaintiffs have been permitted to examine the additional evidence, the defendant would also get an opportunity to lead evidence to rebut the same.

In view of the above, the present revision petition is dismissed.

15.03.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No