

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CR-2726-2018

Date of Decision:27.04.2018

Ram Kishan

.....Petitioner

Versus

Smt. Babli

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Vikrant Hooda, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

The petitioner has filed the present revision petition under Article 227 of the Constitution of India impugning the order dated 10.04.2018 passed by learned Civil Judge (Jr. Divn.), Bahadurgarh, whereby application filed by the petitioner to lead additional evidence, was dismissed.

The plaintiff has filed a suit for possession by way of specific performance of the agreement to sell dated 30.01.2013. The respondent has filed the written statement and it is at this stage when the case was fixed for rebuttal evidence, the petitioner-plaintiff moved an application for additional evidence to the effect that after the receipt of the sale consideration of ₹8 lacs, the respondent-defendant has purchased the plot measuring 50 sq. yards from this sale proceeds and this fact has come in the statement of PW6-Azad.

Learned counsel for the petitioner states that the order dated

10.04.2018, whereby the application has been dismissed without considering the fact that PW6-Azad, elder brother of the husband of the respondent-defendant has admitted in his evidence that after receipt of sale consideration of ₹8 lacs, she has purchased a plot of area measuring 50 sq. yards from this sale proceeds. Therefore, this fact is sufficient to corroborate and to establish that there was a valid agreement between the parties.

I have heard the learned counsel for the petitioner and perused the record.

The application for leading additional evidence has been filed after availing numerous opportunities. The fact of receipt of money and purchase of plot was already in the notice of the plaintiff. Therefore, the petitioner could have produced evidence regarding receipt of the transaction. The trial is at an advanced stage and the application has been filed only to delay the proceedings. Since, the petitioner has failed to prove any due diligence on his part as he did not produce the aforesaid fact at the time of his evidence, this Court does not find any illegality in the order dated 10.04.2018 passed by learned Civil Judge (Jr. Divn.), Bahadurgarh.

Dismissed.

April 27, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No