

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

CR No.4179 of 2018

Date of Decision : 05.07.2018.

Surender Singh

... Petitioner

VERSUS

Jugal Kishore and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. R.S. Budhwar, Advocate
for the petitioner.

B.S.WALIA, J.

1. Learned counsel for the petitioner confines the prayers sought in the revision petition to prayer (i) at page No.1-A of the paper book in respect of which application (Annexure P-6) at page No.61 and 62 of the paper book was moved.

2. Petitioner-plaintiff had filed a civil suit seeking specific performance of agreement to sell dated 12.02.2002 against respondent Nos.1 to 3. Respondent-defendant No.1 filed written statement in the said suit on 02.01.2015 and denied the execution of agreement to sell dated 12.02.2002 as well as receipt dated 12.02.2002 in favour of the petitioner-plaintiff. Issues in the said suit were framed on 03.03.2015 and thereafter, the petitioner-plaintiff availed thirteen effective opportunities to lead evidence, whereafter the learned counsel for the petitioner-plaintiff closed evidence vide his statement recorded on 16.11.2015.

3. Apparently, the petitioner-plaintiff was having full knowledge from the very beginning of respondent-defendant No.1 having denied the execution of agreement to sell dated 12.02.2002 as well as receipt dated 12.02.2002 in the suit in question. But the petitioner-plaintiff did not move an application to get disputed signatures on the agreement to sell as well as on receipt dated 12.02.2002 compared with the admitted signatures of respondent-defendant No.1 despite availing thirteen effective opportunities to lead evidence.

4. The mere fact that defendant No.4 was impleaded subsequent to the closing of evidence of petitioner-plaintiff on 16.11.2015, would not confer any right on the petitioner-plaintiff to file application (Annexure P-6), since the petitioner-plaintiff merely filed application (Annexure P-6) for admission and denial of signatures of respondent-defendant No.1 on the agreement to sell and receipt both dated 12.02.2002 as well as on the vakalatnama and written statement. Once, the petitioner-plaintiff had led his evidence against respondent-defendant No.1 by availing thirteen effective opportunities to prove agreement to sell and receipt both dated 12.02.2002, the prayer in the application (Annexure P-6) is totally misconceived and the application was rightly dismissed.

5. Finding no merit in the revision petition, the same is dismissed in limine.

(B.S.WALIA)
JUDGE

05.07.2018.

rajesh.k.khurana

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No