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

CR No. 6562 of 2018
Date of Decision: 01.10.2018

Santokh Raj

-Petitioner

Vs

Joginder Pal Saini and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Prayer for leading additional evidence was declined by the Additional Civil Judge (Senior Division), Gurdaspur vide order dated 14.09.2018.

Petitioner is counter claimant in a suit for permanent injunction. Petitioner-counter claimant sought relief of possession in the counter claim. At the time of leading defendant evidence, numerous opportunities were availed by the defendant- counter claimant.

The trial Court has noticed that twenty three opportunities were availed by the defendant in leading his evidence. On 17.04.2018, statement was made by learned counsel for the defendant- counter claimant that no other oral evidence except recording of cross-examination of DW6- Sajjan

Singh, DW7- Ragbir Singh, DW8- Tej Ram and DW9- Sawinder Kumar would be led. Thereafter, the application came to be filed for examining the draftsman who had prepared the site plan attached with the counter claim.

Learned counsel for the petitioner submits that there is no difference in the site plan produced by the plaintiff as well as the proposed site plan to be proved by the defendant except the head note in both the site plans. At this stage, the plea cannot be accepted in view of statement dated 17.04.2018 made by learned counsel for the defendant- counter claimant and in view of the fact that both the site plans are the same in pith and substance except the head note. The site plan produced by the plaintiff has already been exhibited as Ex.P1.

The scope of the counter claim shall be adjudicated by the trial Court in accordance with law.

No interference can be made in the present revision petition.

This revision petition is accordingly, dismissed.

01.10.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No