

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

120

CR No.6975 of 2016
Date of Decision:06.03.2018

Bachan Singh

...Petitioner

Versus

Harinder Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjeev Sharma, Advocate
for the petitioner.

Mr. Ish Puneet Singh, Advocate
for the respondent.

ANIL KSHETARPAL, J.(Oral)

Plaintiff-petitioner is in the revision petition against the order dismissing the application for additional evidence. Learned counsel for the petitioner has very fairly submitted that he is not pressing for additional evidence with respect to cancellation of the Will, however, he submits that he wants to produce Bank witness to prove the Bank transaction by which the payment was credited in the account of Harinder Kaur, defendant in the case. He submitted that the suit is for possession by way of specific performance of agreement to sell dated 17.02.1999 and in the written statement, the defendant had denied the receipt of any payment.

On the other hand, learned counsel for the respondent has contested the petition and has submitted that these facts were in the knowledge of the plaintiff at the time of filing the suit, and, therefore, the additional evidence cannot be allowed.

It is well settled that procedures are handmade for justice. In

ground that Harinder Kaur is not the same person, who is the defendant in the case.

Learned counsel for the respondent-defendant admitted that Harinder Kaur is the same person. However, he submitted that at this stage the additional evidence cannot be allowed.

Keeping in view the fact that the plaintiff is wanting to produce in additional evidence, a Bank transaction through which payment was deposited in the account of the defendant and such evidence might have material bearing on the result of the case, therefore, it is considered appropriate that the petitioner be granted one opportunity to prove the aforesaid Bank transaction.

Hence, the revision petition is allowed. The order with respect to refusal to prove the money transaction through Bank is set aside. The defendant would also get two opportunities to lead evidence to counter the said additional evidence.

Revision petition is allowed, subject to the payment of cost of Rs.5,000/-

06.03.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No