

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7831 of 2016

Date of Decision: 03.08.2018

Mohinder Singh

.....Petitioner

Vs.

Surinder Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ramesh Chand Sharma, Advocate,
for the petitioner.

Mr. Ravi Malhotra, Advocate,
for the respondents.

AMOL RATTAN SINGH, J. (ORAL)

The petitioner has challenged the order dated 13.10.2016, passed by the learned Civil Judge (Junior Division), Nakodar, dismissing his application seeking to lead additional evidence in the form of a '*Jamabandi*' (record of rights), to show that his predecessor-in-interest, Sardara Singh, had purchased the suit property, and therefore, it was not ancestral/co-parcenary property.

Learned counsel for the petitioner has further contended before this Court that Sardara Singh had executed a will in favour of the petitioner-plaintiff as also respondent no. 2 Tarsem Singh.

It is to be seen that the application seeking to lead additional evidence was filed at the stage when the trial was fixed for rebuttal evidence of the plaintiff and for arguments, after his evidence has been closed, one and half years after the suit was instituted, the order of closure being dated 05.03.2016.

Thereafter, even for rebuttal evidence, it was adjourned for six dates, after which the application was filed.

Consequently, I see absolutely no error in the impugned order; to the effect that, firstly, the application was moved at a highly belated stage and secondly, as it is not possible that such a basic fact, on which the petitioner-plaintiff wished to rely upon by way of evidence, was not known to him at the time when the suit itself was filed.

Very obviously, the application was filed at the stage that it was, to simply delay the proceedings.

Consequently, finding to merit in the petition, it is dismissed.

August 03, 2018
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.