

114

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

CR No. 7859 of 2018

Date of Decision: 19.11.2018

Kirandeep Singh

-Petitioner

Vs

Surjit Kaur and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Inderpal Singh Parmar, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Defendant No.1 is in revision petition against the order dated 30.10.2018 passed by Civil Judge (Junior Division), Ludhiana vide which his prayer for additional evidence was dismissed.

The application was filed with the allegation that on 11.10.2018, plaintiff exhibited certified copies of documents in the absence of learned counsel for defendant No.1 and without permission of the Court. The scribe of the Will has come from Canada. Before going to Canada, he used to scribe the documents.

Defendant No.1 sought to prove the document by examining scribe in order to rebut certified copies of documents tendered by the plaintiff. Defendant No.1 also sought to get Handwriting and Fingerprint expert appointed.

Evidently, evidence of the defendant was closed by himself by making a statement in the Court. Plaintiff has also lead evidence in rebuttal.

There is no challenge to the order vide which evidence of the defendant was closed at his instance. The scribe was never sought to be examined while leading evidence in affirmative.

The case is already fixed for arguments.

Petitioner has not brought anything on record to show any reason for not examining the scribe at the time of leading evidence in affirmative particularly when the fact was very much in the knowledge of the petitioner.

Petitioner has not shown any due diligence in filing the application nor the same can be allowed in view of facts on record.

The impugned order does not suffer any inherent error of jurisdiction or perversity.

This revision petition is accordingly, dismissed.

19.11.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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