

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

C.R. No.9138 of 2017

Date of Decision.08.01.2018

Main Pal

.....Petitioner

Vs

Mahinder Singh and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

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AMIT RAWAL J.(ORAL)

Learned counsel for the petitioner-plaintiff contends that in the suit seeking specific performance of the agreement to sell dated 6.11.2009, subsequent event had taken place resulting into moving an application for additional evidence as much as that vendor of the petitioner had also entered into an agreement to sell with one Sangeeta on 30.10.2009 and a proposed sale deed had been executed on 5.11.2009, much less, the proposed vendee has also withdrawn the stamp duty. The aforementioned fact came to the knowledge of the petitioner only when the matter reached at the rebuttal stage. As after completion of pleadings, the issues were framed on 01.10.2014 and the defendant had closed the evidence on 23.02.2017, thus, the additional evidence sought to be produced is an essential requirement of law.

After hearing the learned counsel for the petitioner, I am of the view that in the absence of seeking amendment of the plaint claiming specific relief, even if the application for additional evidence is allowed, it would be termed to be beyond pleadings.

Faced with this situation, learned counsel for the petitioner seeks liberty of this Court for withdrawal of the revision petition to take appropriate remedy in accordance with law.

The revision petition is dismissed as withdrawn but with liberty as aforesaid.

(AMIT RAWAL)
JUDGE

January 08, 2018
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No