

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RA-RS-88-C-2018 (O&M) in
RSA No.2791 of 2016

Date of decision: 13.09.2018

Shyam Lal

..... Appellant

Versus

Ashok Kumar and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ravindra Singh Garia, Advocate
for the applicant-appellant.

ANIL KSHETARPAL, J. (ORAL)

This review application has been filed against the judgment passed by this Court on 10.10.2017. In the considered view of this Court, the review is liable to be dismissed for three reasons:-

1. The review application is not maintainable at the behest of a new counsel.
2. The documents which are sought to be referred to are admittedly not part of the record.
3. Under the garb of review, counsel wishes to re-argue the appeal which cannot be permitted.

Hence, the review application is dismissed.

No order is required to be passed in miscellaneous applications (CM-13251-C-2018 and CM-13252-C-2018) for condoning the delay once the review application has been dismissed on merits.

CM-13253-C-2018

This is an application for additional evidence. The documents which are sought to be produced in additional evidence are a copy of Farad dated 13.10.2017, copy of summoning order dated 06.07.2011, copy of judgment dated 23.01.2018 and copy of FIR No.277 dated 06.07.2017. All these documents are pertaining to the period when the litigation was pending. In fact, the Civil Court judgment is after the judgment was passed by this Court. Still further, it is not between the same parties.

While entertaining the review, the documents which were not part of the Court file, can only be looked into if these documents are relevant. This Court while deciding the regular second appeal had upheld the findings of the Courts below resulting into upholding the decree for possession by way of specific performance of the agreement to sell. Hence, the application for additional evidence is also dismissed.

13.09.2018
Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No