

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

C.R. No.4297 of 2017 (O&M)
Date of Decision.01.02.2019

Mohit and others

...Petitioners

Vs

Rishpal Singh and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Bhupender Singh, Advocate
for the petitioners.

Mr. Rajesh Bansal, Advocate
for the respondents.

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AMIT RAWAL J. (ORAL)

The petitioners-defendants are aggrieved of the impugned order whereby the application for bringing on record the sale deeds by way of additional evidence at the stage of final arguments, has been declined.

Learned counsel for the petitioners submitted that the respondent-plaintiff had filed suit for declaration and permanent injunction by laying challenge to the Will executed by Shiv Kumar whereas the defendants denied the averments as Shiv Kumar after selling the agricultural land purchased the agricultural land in the name of his sons. The documents are *per se* admissible and can be tendered into evidence subject to mode of proof, as it will help the Court in adjudication of the lis.

Mr. Bansal, learned counsel appearing on behalf of the respondents submitted that factum of the sale deeds was specifically pleaded in the written statement. No explanation has come forward

as to how sale deeds could not be placed, despite exercise of due diligence. He further submitted that the application for additional evidence is just an attempt to fill up the lacuna, thus, urges this Court for dismissal of the revision petition.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is no force and merit. Defendants were aware of the sale deeds and failed to place on record. Such a lacuna cannot be permitted to be filled up. Even if the documents sought to be placed on record by way of additional evidence are *per se* admissible being public documents, they are subject to mode of proof as per Section 74 of the Indian Evidence, which will unnecessary delay the adjudication of the suit filed 2012.

In view of the aforementioned, I do not find any illegality and infirmity in the impugned order and the same cannot be said to be passed without jurisdiction. The impugned order is upheld and the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

February 01, 2019

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No