

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

CR-4335-2018 (O&M)
Date of decision : 30.01.2020

Pardeep Kumar

...Petitioner

Versus

Jaipal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.K. Saini, Advocate for the petitioner.

Mr. Sant Lal Barwala, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner has filed the present revision petition against the order passed by the learned trial Court rejecting the application for additional evidence. The plaintiff wanted to examine Virbhan, a commission agent in his behalf in evidence.

Learned trial Court, after appreciating the facts of the case, has found that the suit filed by the plaintiff is only for decree for permanent injunction restraining the defendants from interfering in his peaceful possession with respect to a house constructed in Village Badhawar, Tehsil and District Hisar. Learned Court has found that for the purpose of decision of the present suit, evidence of Virbhan would not be relevant.

This Court has heard learned counsel for the parties at length and with their able assistance gone through the documents which are part of

the paper book.

Learned counsel for the petitioner contends that since the defendants have taken a stand that the plaintiff had delivered possession to defendant No.1 after taking full and final payment, therefore, it is necessary to prove that the defendant was not having any money.

This Court has considered the submission. The present suit is not for specific performance of the agreement to sell. In the present suit, the plaintiff is required to prove his possession which is being disputed by the defendants on the basis of agreement-cum-sale deed dated 21.04.2016.

Still further, the plaintiff has failed to justify as to why the aforesaid witness could not be examined when the plaintiff was leading evidence in affirmative. Hence, there is no ground to interfere.

Accordingly, the present revision petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

30.01.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No