

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

CR No.1576 of 2022

Date of Decision: 29.04.2022

Davinder Singh

.....Revisionist-Petitioner

Versus

Gurvinder Kaur and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Rishabh Gupta, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (ORAL)

By way of the instant revision-petition, the petitioner-plaintiff (for short 'the plaintiff') assails the order dated 23.03.2022 (Annexure P-7) passed by learned Additional Civil Judge (Senior Division), Hoshiarpur (for short 'the trial Court') whereby the application moved by him for seeking permission to examine the Civil Engineer in his additional evidence, has been dismissed.

The plaintiff filed a Civil Suit against the respondents-defendants (for short 'the defendants') for seeking a decree for declaration along-with the relief of mandatory as well as permanent injunction. In their written statement, the defendants contested the claim of the plaintiff.

I have heard learned counsel for the petitioner-plaintiff in this revision petition and have also perused the file thoroughly.

Learned counsel for the plaintiff contends that the plaintiff wants to examine the Civil Engineer so as to rebut the evidence led by the

defendants, i.e the report and the site plan of the disputed property, as submitted by DW1 Bakshish Singh and DW2 Neeraj Kumar.

However, it is pertinent to mention here that it was entirely for the plaintiff to lead cogent and sufficient evidence to substantiate his averments as set-forth in the plaint, so as to seek the relief as claimed in the said suit and as mentioned in para No.3 of the impugned order, he (plaintiff) availed sufficient opportunities to lead his evidence and has already examined the Draftsman as his witness. Moreover, throughout in his application Annexure P-6, he has not come forward with any fair, candid and plausible reason for not examining the expert witness, whom he now intends to examine in his additional evidence, earlier while leading his evidence nor he has averred therein that despite exercising due diligence, this witness could not be examined at that time.

As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the petition in hand stands dismissed.

29.04.2022
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*