

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

CR-2142-2021 (O&M)

Date of decision: 09.12.2022

Lakhbir Singh @ Raja and another

....Petitioners

Versus

Rakesh Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramneek Vasudeva, Advocate for the petitioners

Mr. Veneet Sharma, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

The petitioners herein are defendants no.3 and 4 in the plaintiff's suit dated 16.10.2006 for grant of decree of possession by way of specific performance of the agreement to sell. It is pending before the trial court for the last 16 years. After the plaintiffs have led the rebuttal evidence in accordance to the order passed by the High Court, defendant no.3 and 4 filed an application for permission to lead additional evidence, in order to examine the handwriting and fingerprint expert, to prove that the agreement to sell and other documents, were never signed by their father. The trial court has dismissed the application on the ground that the petitioners from the very beginning have taken this particular stand.

Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

Learned counsel representing the petitioners contends that the plaintiffs never led any evidence in affirmative despite sufficient opportunities and they have led evidence only in rebuttal. On being

questioned by the Court, as to where this fact has been asserted in the application or the arguments, the learned counsel representing the petitioners failed to draw the attention of the Court to any such assertion, either in the application for permission to lead additional evidence or in the impugned order. Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

09.12.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE