

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 3314 of 2017****Date of Decision: 08.08.2023**

Tej Singh

... Petitioner(s)

Versus

Santokh Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sandeep K. Sharma, Advocate
for the petitioner(s).

Mr. Deepak Verma, Advocate
for the respondent No.1.

Anil Kshetarpal, J.

1. An application filed by the defendant No.1 for permission to lead additional evidence to prove the agreement dated 30.06.1999 has been allowed by the trial Court. This revision petition has been filed to challenge its correctness.

2. A suit for partition of the property by metes and bounds is pending before the trial court. During the pendency of the suit, the defendant No.1 filed an application for permission to produce and prove an agreement dated 30.06.1999 allegedly executed by the plaintiff and his brother selling the land measuring 2 marlas to Harbjaban and Balbir on receipt of ₹1,20,000/-. The Court found that the aforesaid agreement would be relevant for the decision of the case.

3. Heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

4. The learned counsel representing the petitioner contends that the agreement dated 30.06.1999 has not been incorporated in the written statement, therefore, he cannot be permitted to produce and prove the same.

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He submits that the defendant, while appearing in evidence, did not depose about the aforesaid agreement.

5. This Court has considered the submissions, but it finds no merit therein. As per Order VI Rule 2 of the Code of Civil Procedure, 1908, every pleading is required to contain only a statement in concise form of the material facts on which the party relies for his claim or defence. The evidence is not required to be made a part of the pleadings. The party is not required to mention the documentary evidence it intends to produce in the Court in order to use against the opposite party. In substance, the defendant No.1 wishes to prove that the plaintiff has already received the sale consideration of ₹1,20,000/- on delivery of the possession of the land measuring 2 marlas to Harbhajan and Balbir enabling the Court to adjust the aforesaid parcel of land while ordering partition. The permission granted by the trial Court does not suffer from any material irregularity which may give rise to interference in the revisional jurisdiction of this Court.

6. The learned counsel representing the petitioner submits that after the defendant No.1 has led his evidence, the plaintiff is also required to be granted an opportunity to rebut the same. On the other hand, the learned counsel representing the respondent submits that the trial Court has already held that the plaintiff shall be entitled to lead evidence.

7. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

August 08, 2023

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No