

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

CR-5734-2018 (O&M)

Date of decision: January 09, 2023

Mukhtyar Singh

....Petitioner

versus

Mahender and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ajay Ghangas, Advocate for the petitioner.

Ms. Pratibha Yadav, Advocate for the respondents.

ARUN MONGA, J. (ORAL)

Present revision petition is against the impugned order dated 02.08.2018 (Annexure P-5) passed by learned Civil Judge (Senior Division) Pataudi whereby application of the petitioner for additional evidence was dismissed.

2. It transpires that in a suit under Section 6 of the Specific Relief Act, application was filed by the petitioner-plaintiff before the learned trial Court seeking production of additional evidence to examine an additional witness, namely Rakesh (special power of attorney of the plaintiff) and nephew of respondent No.1 (Mahender). Learned counsel for respondent No.1 i.e., uncle of the aforesaid witness submits that as per her information, said witness, namely, Rakesh has since expired during pendency of the present revision petition.

3. Confronted, learned counsel for the petitioner submits that he has no instructions *qua* death of aforesaid witness.

4. Be that as it may, the revision petition is rendered infructuous and is disposed of, accordingly. In the peculiar circumstances, since the witness, namely, Rakesh has expired, in case petitioner-plaintiff wishes to examine himself owing to the former's death, he shall move an appropriate application before the learned trial Court, which shall be decided in accordance with law.
5. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

January 09, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No