

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

CR No.17 of 2024

Date of Decision: 08.01.2024

Bhupinder Singh and another

.....Revisionists-Petitioners.

Versus

Manjit Singh

.....Respondent.

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

Present:- Mr. Sahil Soi, Advocate
 for the revisionists-petitioners.

MEENAKSHI I. MEHTA, J. (Oral)

By way of this revision-petition, the petitioners-defendants (here-in-after to be referred as 'the defendants') have assailed the order Annexure P-6 passed by learned Civil Judge (Jr. Division), Chandigarh (for short 'the trial Court') on 06.12.2023 in ***Civil Suit No.1198 of 2019*** titled as '***Manjit Singh vs Bhupinder Singh etc.***', whereby application Annexure P-4, as moved by the respondent-plaintiff (here-in-after to be referred as 'the plaintiff') for seeking the permission to lead additional evidence, by summoning the witnesses to prove the Settlement-Deed dated 29.04.2009, has been allowed.

2. I have heard learned counsel for the petitioners-defendants in the present revision-petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the defendants contends that throughout in the plaint, the plaintiff has nowhere pleaded that the original Settlement-Deed, as sought to be produced on the record in additional evidence, was not in his possession earlier and thus, it is quite explicit that the above-said document has, now, been forged just to fill-up the lacuna in his (plaintiff's) case but vide the impugned order, learned trial Court has wrongly allowed the afore-mentioned application and therefore, the said order is not legally sustainable and hence, it deserves to be set-aside.

4. However, the above-raised contentions do not cut any ice with this Court because the plaintiff has claimed the relief in the afore-said Suit on the basis of the above-referred Settlement-Deed and a bare perusal of the plaint (Annexure P-1) reveals that in its para No.4, he has made specific averments regarding its execution by him as well as defendant No.1. In the corresponding para in the Written-Statement Annexure P-2, the defendants have not denied the signatures of defendant No.1 on the said document and have, rather, asserted that the plaintiff had procured his (defendant No.1's) signatures thereon by taking undue advantage of the factum of his being under intoxication, at that time. In these circumstances, it becomes crystal clear that the afore-said Settlement-Deed would be relevant and essential for proper and just decision of the Suit under reference and moreover, the defendants would get the opportunity to rebut the genuineness thereof.

5. 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 and the revision-petition in

hand, being bereft of any merit, deserves dismissal. Resultantly, the same stands dismissed accordingly.

January 08, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*