

2024:PHHC:052884

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Nahar Singh **...Petitioner**

Nawal Singh ...Respondent

Present: Mr. Mahir Sood, Advocate and
Mr. Ashutosh Panday, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (Oral)

1. The First Appellate Court has dismissed the petitioner's application for permission to produce a copy of jamabandis for the year 2009-10, 2014-15 and mutation No. 3408 dated 18.11.2010 on record on the ground that these documents have no relevance as the ownership is not in dispute.

2. On a Court question, the learned counsel representing the petitioner failed to draw the attention of the Court to any relevance of the documents, which are sought to be produced in additional evidence. In this case, the petitioner filed a suit for specific performance of the agreement to sell with a consequential relief of permanent injunction, which was dismissed by the trial Court against which the first appeal is pending. It is evident that the execution of the agreement to sell is admitted.

3. Learned counsel representing the petitioner further submits that

the application should have been decided only with the main case.

4. In 'Brij Mohan Gupta (D) through LRs and another vs. Anshu Aggarwal and others' CR No. 7475 of 2019 decided on 17.08.2021, this issue has been examined. It has been observed that if the additional evidence sought to be produced is covered by Order 41 Rule 27 Clause (b) only then the application is necessarily required to be decided with the main case. In other circumstances, it is not necessary that all the applications for additional evidence must be decided with the main appeal.

5 Keeping in view the aforesaid facts and there is no issue with regard to title of defendant No. 1, no ground to interfere is made out.

6. Dismissed.

19.04.2024

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Whether speaking/reasoned :
Whether Reportable :

(ANIL KSHETARPAL)
JUDGE

Yes No
Yes No