

In the High Court of Punjab and Haryana at Chandigarh

CR No. 1448 of 2015

Date of decision: 16.07.2015

Harbhajan Singh

.....Petitioner

Versus

Harjinder Singh @ Rajinder Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.G.P.S.Bal, Advocate
for the petitioner.

--

SABINA, J

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 15.1.2015 (Annexure P2) whereby application moved by the petitioner for permission to lead the additional evidence, was dismissed .

Learned counsel for the petitioner has submitted that the application moved by the petitioner for permission to lead the additional evidence was liable to be allowed as the affidavit dated 25.6.2012 was very necessary to be proved on record.

Petitioner has filed the suit for permanent injunction. Issues were framed by the trial Court on 6.2.2013 on the pleadings of the parties. Thereafter, petitioner concluded his evidence on 27.5.2014. After the closure of the evidence of the defendants, petitioner moved an application for permission to lead additional

evidence. By way of additional evidence, petitioner wants to prove on record affidavit dated 25.6.2012 Mark 'A'. Thus, the affidavit in question was in the knowledge of the petitioner but he had failed to prove the same in accordance with law while leading his evidence. In these circumstances, learned trial Court rightly dismissed the application moved by the petitioner as he could not be permitted to prove the affidavit in question at the stage when the case was listed for arguments before the trial Court.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

July 16,2015
arya