

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

Civil Revision No.1783 of 2015 (O&M)
Date of decision: 12.03.2015

Pargan Singh

..... Petitioner

Versus

Harbans Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Vijay Lath, Advocate for the petitioner.

RAJESH BINDAL, J

The petitioner-plaintiff is before this Court impugning the order dated 20.2.2015, whereby the application filed by him for additional evidence was dismissed.

The proceedings arise out of a suit filed by the petitioner-plaintiff for declaration that he is owner in possession of the land in dispute with consequential relief of permanent injunction. The application for leading additional evidence was filed after the entire proceedings in the suit had been concluded, namely, evidence of both the parties were already over and case was fixed for rebuttal evidence, if any and the arguments. The petitioner-plaintiff is seeking to produce the Collector's rate for the agricultural land situated in village Mahil Gehlan, Tehsil and District SBS Nagar from the year 1980 to 1993. It is not disputed that prior to this for the same relief, the petitioner-plaintiff filed application seeking permission to lead same evidence in rebuttal, which was dismissed on 9.2.2015. Immediately thereafter, the application for additional evidence was filed. The same was also dismissed by the learned court below.

The contention of learned counsel for the petitioner is that the issue regarding the Collector's rate cropped up during cross-examination of DW1 Harbans Kaur, hence, there was no occasion earlier for producing that

evidence on record.

After hearing learned counsel for the petitioner-plaintiff and considering the stage of the case, where the trial has already concluded, I do not find any reason to interfere with the impugned order.

The suit is merely for declaration as owner with consequential relief of permanent injunction. Even the evidence sought to be led has no relevance with the issue in question. Further as has been claimed by the petitioner himself, the issue cropped up on account of the question put by the petitioner to DW-1, Harbans Kaur in her cross-examination. Meaning thereby, the petitioner was fully aware of that issue and the relevance thereof. He had enough opportunity to lead evidence to that effect at the appropriate time. Not only that even earlier prayer made by the petitioner-plaintiff to lead the same evidence in rebuttal was rejected by the learned court below and the order attained finality.

Dismissed.

(RAJESH BINDAL)
JUDGE

12.03.2015

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