

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 172 of 2013 (O&M)
Date of Decision: 12.5.2015.**

Dr. Ashok Goyal

.....Petitioner

Versus

Arya Mitter and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Bhag Singh, Advocate
for the petitioner.

None for respondent No. 2.

Mr. B.S.Dhillon, Advocate
for respondent No. 3.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 2.1.2013 whereby application moved by the petitioner under Order 41 Rule 27 of the Code of Civil Procedure, 1908 ('CPC' for short) for permission to lead additional evidence, was dismissed.

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

Petitioner had filed suit for declaration and permanent injunction. Suit filed by the petitioner was dismissed by the Trial Court vide judgment/decreed dated 23.11.2009. Aggrieved against the said judgment and decree, petitioner preferred an appeal. During the pendency of the appeal, petitioner moved an application for permission to lead additional evidence. The case of the

petitioner was that by way of additional evidence, he wanted to prove on record income tax returns submitted by defendant No. 2 as head of Joint Hindu Family and the said documents had been proved in earlier Civil Suit No. 190 of 2001 decided on 31.8.2007. Further, petitioner wanted to prove on record statement of defendant No. 1 wherein he had admitted in earlier Civil Suit No. 190 of 2001 decided on 31.8.2007 that he was 16 years old when the suit land was purchased by his father-defendant No. 2. The learned First Appellate Court rightly dismissed the application moved by the petitioner for permission to lead additional evidence as the documents now sought to be proved on record, were already in the knowledge of the petitioner but had not been proved on record, during trial, for the reasons best known to the petitioner.

The reasons given by the learned First Appellate Court while dismissing the application moved by the petitioner under Order 41 Rule 27 CPC for permission to lead additional evidence, are sound reasons and call for no interference.

Dismissed.

**(SABINA)
JUDGE**

May 12, 2015
Gurpreet