

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 2134 of 2014 (O&M)
Date of Decision: 07.05.2015

Ved Parkash

.....Petitioner

Vs.

Mahender and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

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

Mr. N.S. Shekhawat, Advocate,
for the respondents.

SABINA, J.

Petitioner has filed this petition challenging the order dated 06.03.2014.

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

Respondents No. 1 to 3 have sought ejectment of the petitioner from the premises, in question. During the pendency of the petition, respondents No. 1 to 3 moved an application for permission to lead additional evidence. By way of additional evidence, land-lord wanted to prove the record relating to mobile No. 98131-49301. In this regard, land-lord wanted to examine Constable, Rampal and Contable Sukhbir. The learned trial Court while allowing the application has held as under:-

Vide this order, I shall dispose of an

application for additional evidence filed by the applicant/plaintiff.

The present application has been moved by the applicant for placing on record certain copies to prove that the evidence has been forged for the purpose of this case. It has been averred that certain questions were asked pertaining to the photographs and bills and photographs placed on record and it is the case of the applicant that respondent have intentionally and deliberately fabricated these forged documents ante date. Now certain documents showing that those bills and photographs were prepared ante date and the mobile number printed on those bills came much later in existence have been placed on record by way of this application.

Respondents appeared and has filed the reply stating that photographs were actually taken on 14.10.2008 on the spot and were delivered at that time. Hence, there is no such requirements of any bill being fabricated or forged ante date and dismissal of the application has been prayed for.

It is well-settled principle that both the parties must be given opportunity to adduce evidence so that interest of justice should not suffer and the case must be decided on merits. Keeping in view that questions were asked in cross-examination pertaining to dates of these photographs and bills and later on efforts have been bonafidely made to collect real evidence, I am of the opinion that the application for adducing additional evidence is to be allowed. In the interest of justice one last opportunity is given to the

applicant/plaintiff to place on record these documents by way of additional evidence. Now to come up on 20.03.2014 for additional evidence.”

The reasons given by the trial Court while allowing the application are sound reasons. Certain bills and photographs were proved on record by the petitioner. The landlord by way of additional evidence wants to establish that in fact the photographs were not taken on 14.10.2008. During the course of arguments, it has transpired that the witnesses in question have already been examined before the trial Court and now the case is listed before the trial Court for arguments.

In these circumstances, no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

May 07, 2015
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