

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CR No.29 of 2015

Date of Decision:-23.01.2015

Jagdish Singh.

.....Petitioner.

Versus

Punjab National Bank & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- None for the Petitioner.

JASWANT SINGH, J.(ORAL)

Defendant no.3 is in revision aggrieved by the order dated 31.10.2014 (P-1) passed by the learned Additional District Judge, Rohtak whereby during the pendency of the appeal an application filed by the respondent/plaintiff Under Order 41 Rule 27 CPC for leading additional evidence by producing certified copies of *jamabandi* for the year 1996-97 and 2006-07 along with the copy of the account were allowed.

After perusing the paper book, this Court is of the considered view the present petition is devoid of any merit and same deserves to be dismissed.

It is not in dispute that the plaintiff has filed a suit for recovery of Rs.6,35,753/-. It is a public bank and the cases are not conducted with due care and diligence which results in further loses to the institution.

Documents that the respondent/plaintiff bank intends to place on record are

per se admissible in evidence and as per the provisions of Order 41 Rule 27 CPC the Court can take such documents by way of additional evidence if the Court is of the opinion that the said documents would assist the Court in deciding the controversy in a more effective manner. No doubt, the documents that the respondent/plaintiff intended to place on record were prior in time and knowledge of the respondent/bank to this effect cannot be overlooked that a suit must be decided after taking into consideration all the facts and circumstances so that a dispute which arises amongst the parties can be effectively adjudicated upon merits. In such cases where the party is thoroughly negligent, the other party can be compensated by imposing heavy costs upon it. In the present case also the learned Court below has imposed heavy costs upon the respondent/plaintiff while doing substantial justice amongst them.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

January 23, 2015
Vinay