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

**CR No. 3569 of 2014 [O&M]**  
**Date of Decision : February 12<sup>th</sup>, 2015**

Rameshwar and others ..... Petitioners

Versus

Om Parkash and others ..... Respondents

**CORAM : HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON**

Present      Mr. Suryakant Gautam, Advocate,  
for the petitioners.

**Dr. BHARAT BHUSHAN PARSOON, J.**

Orders dated 31.7.2012 [Annexure P/3], whereby evidence of the plaintiffs was closed as also of 1.4.2014 [Annexure P/2], vide which application of the plaintiffs for additional evidence has been dismissed, are under challenge in this revision petition.

2.            No notice is required to be issued to the respondents-defendants to avoid delay as also for the fact that no prejudice is going to be caused to them.

3.            Notwithstanding the fact of closure of evidence of the plaintiffs by the Court on 31.7.2012, it is evident from perusal of the application dated 3.11.2012 [Annexure P/1] for additional evidence of the plaintiffs that some documents are sought to be tendered in additional evidence which are already available on record and details whereof have been given in para No. 5 of the said application. Reference to these documents has also been made in the impugned order of 1.4.2014.

4. Even if, evidence of the plaintiffs was closed by order of the Court, since these revenue documents, being in the nature of public documents, are *per se* admissible in evidence, opportunity should have to be given to produce these documents before closure of their evidence. When the documents are already available on record and are merely to be tendered in evidence, it would be in the interest of justice that the documents sought to be produced in additional evidence by the plaintiffs are admitted in evidence.

5. Looking from another angle, in the facts and circumstances of this case, documentary evidence sought to be produced by way of additional evidence by the plaintiffs is of such a nature that without the same being on record, competent, effective, and complete adjudication of the dispute is not feasible. It may also be noticed that this evidence, in any case, is going to help the Court for wholesome adjudication of the litigation between the parties.

6. Sequelly, the impugned orders dated 31.7.2012 [Annexure P/3] and 1.4.2014 [Annexure P/2] are set-aside. The revision petition is allowed. Consequently, the application filed by the plaintiffs for additional evidence is allowed.

7. Before parting with this order, it may be noticed that application dated 3.11.2012 [Annexure P/1] for additional evidence preferred by the plaintiffs, has been decided by the trial Court on 1.4.2014, i.e., after about one and a half year, which by any parameter is very long time.

8. Pendency of applications, filed during proceedings in the lower Court at times, whether those applications have merit or not, definitely impede progress of the suit causing delay which in turn results in disenchantment of the litigants. No application, be it for additional evidence or for amendment of the pleadings or for appointment of Local Commissioner or bringing L.Rs of some deceased party on record etc., in normal course should take more than a month to be decided.

9. Since learned counsel for the petitioners-plaintiffs states that no more evidence is to be led thereafter, evidence of the plaintiffs would

be closed by the trial Court and the suit would move further. It would be decided within 6 months even by taking day-to-day proceedings, if found necessary.

**(Dr. BHARAT BHUSHAN PARSOON)**  
**JUDGE**

**February 12th, 2015**  
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1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?