

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

CR No.4209 of 2014

Date of decision : 17.12.2015

Kamlesh Kumari

...Petitioner

Versus

Pawan Kumar and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Vikrant Hooda, Advocate for the petitioner.

Ms. Anita Balyan, Advocate for respondent No.1.

AMIT RAWAL, J. (Oral)

The petitioner-defendant is aggrieved of the order, whereby application filed by the respondent-plaintiff seeking indulgence of the trial Court to prove on record the mutation by way of additional evidence, has been allowed.

Mr. Vikrant Hooda, learned counsel appearing on behalf of the petitioner-defendant submits that the evidence of the respondent had been closed by order and it is afterwards the application for additional evidence has been filed which is not permissible in law. Even application is lacking particulars regarding expression “despite exercise of due diligence”. The

trial Court has erroneously allowed the same as it has taken a valuable right and thus prays for setting aside of the impugned order.

Ms. Anita Balyan, learned counsel appearing on behalf of respondent No.1 submits, that the document sought to be placed on record are the revenue record which are per se admissible and the petitioner-defendant had right to oppose its admissibility in accordance with law.

I have heard learned counsel for the parties and appraised the paper book.

No doubt that evidence of the respondent-plaintiff has been closed by order, nor there is any averments with regard to the expression “despite exercise of due diligence”. In order to meet the ends of justice, in essence, render to advance justice, I do not intend to differ with the findings rendered by the trial Court allowing the application for additional evidence, for, the petitioner-defendant shall be within his right to raise objections qua the mode of proof and its admissibility.

With the aforementioned observations, I do not intend to differ with the findings rendered by lower Court. Impugned order is accordingly upheld.

Revision petition stands dismissed.

17.12.2015

pawan

**(AMIT RAWAL)
JUDGE**