

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

C.R. No.4612 of 2015

Date of Decision.24.07.2015

Naveen Kumar Patnayak

.....Petitioner

Versus

Jaspal Singh Rana and others

.....Respondents

Present: Mr. Amit Jain, Advocate  
for the petitioner.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

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

-.-

**K. KANNAN J. (ORAL)**

1. In a suit for declaration with reference to a claim by a plaintiff on a transaction of purchase alleged to have been brought up in the year 1991, he had examined the witnesses and closed his side. The defendant was setting up a defence that the sale of the year 1991 was not true at all and he cannot contend that there had been a subsequent sale of the property in the year 2007. During the continuance of evidence of the defendant, the plaintiff has sought for examination of additional evidence to bring a witness to the document alleged to have been executed in the year 1991. The Court has allowed the application.

2. The contention is that if the plaintiff has completed his evidence having examined an expert and some other witness, he cannot have the benefit of bringing additional evidence. He has no such liberty. I would think, under the normal circumstances, that the plaintiff would take himself burden to bring all the witnesses to support his case and if

he closed the side and the defendant brings evidence, there will be no scope for bringing further evidence. But if such a plea is made on disclosure of certain facts setting out as to why he could not examine a particular witness and the Court in its discretion allows for such an exercise, I would let that reside there and will not subject it to reappraisal at the stage of revision. After all intervention in revision under Article 227 ought to be confined only to issues which are seriously against law and that would bring about illegality. Discretionary orders passed on consideration of objective material ought not to be an issue for intervention.

3. I will make it clear that if such an additional evidence is brought by the plaintiff, the defendant will still have a right of rebuttal to such evidence which the plaintiff brings. With this liberty, the revision petition is disposed of.

**(K. KANNAN)**  
**JUDGE**

**July 24, 2015**  
**Pankaj\***