

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

Civil Revision No.5436 of 2015

Date of Decision: August 24, 2015

M/s Bala Ji Trading Company and another Petitioners

vs.

Pooja Rana and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Surinder Gaur, Advocate for the petitioners.

1. Whether Reporters of Local Newspapers 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?

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 20.07.2015 (Annexure P-3) passed by learned Addl. Civil Judge (Sr. Divn.), Sonapat, vide which the application of the petitioners-plaintiffs for additional evidence under Section 151 CPC, was dismissed.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

Undisputedly, the case is fixed for arguments. The case was filed in the year 2010 and now five years have been lapsed. As per the impugned order, the plaintiffs-petitioners wanted to produce the following documents:

“i) certified copy of the application moved by the present plaintiff in case no.40/13 for depositing rent.

ii) Certified copy of the order dated 13.2.15 passed by this Hon'ble Court as Rent Controller, Sonapat.

iii) Certified copy of the plaint in civil suit no.02/11 titled Pooja Rana vs Sandeep Dahiya & others.

- iv) Certified copy of the statement dated 5.12.13 of Smt. Pooja Rana in the civil suit no.02/2011.
- v) Certified copy of the plaint in the civil suit no.1/11 titled Bikram Singh Rana vs M/s Devku Trading Company.
- vi) Certified copy of the judgment dated 10.8.11 in civil misc. appeal no.23 of 9.4.11 titled as M/s Balajit Trading Co. and another Vs Pooja Rana passed by the Appellate Authority as ADJ, Sonapat.”

Admittedly, the case has been filed for permanent injunction restraining the defendants from taking illegal possession or interfering in the peaceful possession of the plaintiffs over the disputed property. Defendant No.1 is stated to be the landlady. In this way, the plaintiffs are in possession of the disputed property and delay of the disposal of the case will be beneficial for them. The lower court had discussed in detail all the documents and came to the conclusion that all these documents were within the knowledge of the plaintiffs-petitioners at the time of closing their evidence.

I am of the view that it is suit for permanent injunction, wherein the plaintiffs-petitioners are required to prove their possession only. Defendant No.1 has not disputed the possession. All these documents were within the knowledge of the plaintiffs-petitioners when they led their evidence. Therefore, there is no need to reopen the case at this stage and allow the plaintiffs-petitioners to lead additional evidence.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

August 24, 2015
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