

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

**Civil Revision No.5983 of 2015 (O&M)
Date of Decision: September 16, 2015**

Major Harinder Singh Gill (Retd.) Petitioner

vs.

State Bank of India and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. R.C. Sharma, Advocate for the petitioner.

- 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 31.08.2015 (Annexure P-4) passed by learned Addl. Civil Judge (Sr. Divn.), Jalandhar, whereby the application of the petitioner-plaintiff for leading additional evidence was partly allowed.

Learned counsel for the petitioner contends that he had closed his oral evidence and later on it came to his notice that the relevant record is missing and is not traceable. He wants to summon the revenue record and make additional statement.

The lower court has observed that the petitioner had availed nine opportunities and last opportunity was also granted. Thereafter, the plaintiff closed his oral evidence. However, when the documents were to be tendered, the present application was moved. The lower court has observed that the case pertains to the year 1989

and the plaintiff wants to restart his evidence. Learned counsel states that the delay of the disposal of the case is due to pendency of appeal/revision before this Court

Learned counsel for the petitioner has pressed for only one more opportunity to prove the facts mentioned in the application and exhibit the documents and make the additional statement.

In these circumstance, without issuing notice to the opposite party, the plaintiff-petitioner is granted one more opportunity to lead evidence and produce whatever evidence he wants to produce by taking the summons *dasti*. The lower court will not compel the appearance of any witness. After availing the said opportunity, the evidence of the plaintiff-petitioner shall stand closed. The plaintiff-petitioner shall also deposit ₹5,000/- as costs towards District Legal Aid Funds, Jalandhar.

Accordingly, the present revision petition stands allowed.

September 16, 2015
sarita

(KULDIP SINGH)
JUDGE