

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

CR-6835-2015

Date of Decision-14.10.2015

KRISHAN

Petitioner

Versus

DILBAG

Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanjay Verma, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Defendant has filed this revision petition against the order dated 01.10.2015 vide which application for additional evidence has been allowed by the trial Court and the documents viz. certified copy of gift deed and copy of mutation, have been allowed to be tendered as additional evidence.

[2]. In a suit for possession, the claim of the petitioner is squarely rested upon the gift deed. Even counter claim filed by the defendant is also to this effect that the gift deed is a paper transaction and is required to be declared as null and void. Even though the non-production of gift deed and mutation were noticed by the plaintiff at a belated stage but the fact remains that Court becomes functus officio only after pronouncement of the judgment. Seeing the nature of controversy inter se between the parties, it is necessary to give adequate chance to the plaintiff to produce this document in order to enable the Court to

pronounce the verdict. The Court may allow the plaintiff to produce the document in order to pronounce the verdict in just and appropriate manner and also for any such substantial cause, the same may be allowed to be produced.

[3]. It is a settled principle of law that if something remains obscure, can be filled by way of additional evidence and the requirement is that the evidence should be such so as to enable the Court to pronounce the judgment in an effective manner. There may be cases where even though the Court finds that it is able to pronounce the judgment on the basis of record and, therefore, it cannot strictly say that it requires additional evidence to enable the Court to pronounce the judgment but it still considers that in the interest of justice something which remains obscure should be filled in so as to pronounce the decision in more satisfactory manner.

[4]. Since both the parties are relying upon the gift deed which is bone of contention between them, therefore, production of gift deed in considered view of this Court is material and the trial Court has rightly used its jurisdiction in allowing the application. Consequently, the present revision petition is dismissed.

October 14, 2015
prince

(RAJ MOHAN SINGH)
JUDGE