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

**Civil Revision No.6849 of 2015
Date of Decision: 14.10.2015**

GURDEV SINGH & ORS

.....Petitioners

Vs

KARNAIL SINGH & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Binderjit Singh, Advocate
for the petitioners.

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?***

RAJ MOHAN SINGH, J.

[1]. Defendant-petitioners have assailed order dated 05.10.2015 (Annexure P-3) vide which application for leading additional evidence has been allowed by the trial Court and document viz. *Rapat* No.438 dated 15.08.1988 has been allowed to be tendered in evidence as additional evidence.

[2]. The aforesaid *Rapat* No.438 has been claimed to be material document as vide this *rapat*, Mutations No.5428 and 5429 were sanctioned. Certified copy of the said *rapat* is sought to be brought on record by way of additional evidence.

[3]. The application for leading additional evidence has been contested by the defendants on the ground that existence of *rapat* in

question was very much in the knowledge of the plaintiffs, who took three years to complete their evidence and said *rapat* was never produced by them. After closing of the evidence, plaintiffs have no right to lead additional evidence when the case is fixed for rebuttal and arguments.

[4]. I have considered the submissions made by learned counsel for the petitioners.

[5]. Court becomes *functus officio* only after pronouncing the judgment. In view of the nature of controversy involved in the case, it is necessary to give reasonable opportunity to the plaintiffs to produce relevant material on record. The Court may allow the plaintiffs to produce relevant documents in order to pronounce the judgment in just and appropriate manner and also for any such substantial cause, the Court may allow such production of document by way of additional document.

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

enable the Court to pronounce the verdict in more satisfactory manner.

[7]. In considered opinion of this Court the evidence in the form of *rapat* would facilitate the Court in arriving at just decision and the production of the same has been rightly ordered by the trial Court.

[8]. In view of aforesaid, no interference is called for in the impugned order which is not found to be suffered from any jurisdictional error, accordingly the present revision petition is dismissed.

October 14, 2015

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**(RAJ MOHAN SINGH)
JUDGE**