

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

**CR No.6854 of 2015 (O&M)
Date of decision: 14.10.2015**

Shri Kulwant Singh

...Petitioner

versus

Balvir Kaur and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Handa, Advocate,
for the petitioner.

RITU BAHRI, J.

Challenge in this petition is to the order dated 07.09.2015 (Annexure P-3) passed by the Additional Civil Judge (Senior Division), Phillaur, whereby application filed by the petitioner for leading additional evidence/rebuttal evidence has been dismissed.

Perusal of the impugned order shows that in this suit, issues were framed on 16.07.2011. Thereafter, the plaintiff-petitioner had availed 25 opportunities to conclude his evidence. Ultimately, the evidence of plaintiff was closed on 20.12.2014. By way of present application, the plaintiff-petitioner is seeking permission to summon the record of criminal case titled as “State Vs. Jit Singh and others”, under Sections 406/498-A IPC decided by the Court of Judicial Magistrate, Ist Class, Phillaur. A Clerk from the Record Room had appeared on 06.08.2014 and stated that file of the above said case had been sent to the Appellate Court. Hence, he was required to be examined in this regard.

On a specific query put by the Court, learned counsel for the

petitioner has informed that in the trial with regard to FIR No.59 dated 07.05.2003, under Sections 406, 498-A IPC, except husband of the complainant, petitioner along with other accused have been acquitted. In this background, the present suit for recovery of damages was filed.

After going through the facts and circumstances of the case, this Court is of the view that the evidence, sought to be led by way of additional evidence, could have been led at the time of leading evidence in affirmative. Moreover, the instant application has been filed at a belated stage and that too without explaining the delay. There was no explanation in the application, as to why the concerned clerk could not be summoned and examined earlier, as acquittal in the criminal trial was the very basis for filing the present suit for recovery of damages.

In view of the above, no ground is made out to interfere in the impugned order.

Dismissed.

(RITU BAHRI)
JUDGE

14.10.2015
ajp