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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.7086 of 2015

Date of Decision: 21.12.2015

Sohan Lal

.....Petitioner

Vs

Kirpal Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rakesh Kumar, Advocate
for the petitioner.

Mr. Prateek Pandit, Advocate
for respondent No.1.

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]. In this revision petition order dated 17.08.2015 passed by Civil Judge (Jr. Divn.) Kapurthala has been assailed vide which application for leading the additional evidence was dismissed.

[2]. Plaintiff Kirpal Singh filed a suit for permanent injunction against the defendant/petitioner and proforma respondents namely Dharampal and Amarjit, restraining them from interfering in the possession over 6 *Kanals* 11 *Marlas* of land situated in the village according to *jamabandi* for the year 2005-06.

[3]. In the suit an application for adducing additional evidence has been filed by pleading that inadvertently the

evidence of the defendants has been closed and necessary witnesses have not been examined.

[4]. The defendants claimed that Lakhwinder Singh, Kanungo, who demarcated the land gave his detailed report and MHC, Police Station City, Kapurthala pertaining to FIR No.133 dated 04.08.2011 and the concerned Clerk from the office of ADC, Kapurthala in the context of giving direction to SHO P.S. City, Kapurthala for taking action against Kirpal Singh and others and inquiry report conducted by Tehsildar and SDM Kapurthala are the necessary witnesses and their depositions are necessary for just decision of the case.

[5]. After conclusion of evidence of the plaintiff, the defendants' evidence has already been concluded. The evidence of the defendants was started from 31.07.2014. After availing many opportunities, they examined four witnesses and closed their evidence on 04.07.2015 . The case is now fixed for arguments.

[6]. The grounds on which the present witnesses are to be summoned and examined were also mentioned in the written statement, which shows that defendants were having knowledge of the aforesaid witnesses from the very beginning.

[7]. Despite availing numerous opportunities to produce witnesses, defendants have failed to produce these witnesses

despite due diligence and knowledge.

[8]. The witnesses of the plaintiff have already been cross-examined, even the plaintiff has also cross-examined the witnesses of the defendants. In the statement of witnesses so cross-examined by the defendants, no such questions were put to them with regard to inquiry report and FIR, which means that defendants want *de novo* proceedings under the garb of aforesaid prayer.

[9]. Since these very facts were pleaded in the written statement and thereafter plaintiff witnesses have been examined and defendants have also closed their evidence on 04.07.2015, re-opening of this case at this juncture, particularly when trial had commenced and is at the fag end of conclusion of the suit, this Court is of the opinion that no such indulgence can be granted by allowing the defendants to lead additional evidence.

[10]. Having considered the submission made at the Bar, I am of the view that this revision petition is totally devoid of merits. There is no error of jurisdiction passed by the trial Court in passing the impugned order. Consequently, the revision petition is dismissed.

December 21, 2015

Atik

**(RAJ MOHAN SINGH)
JUDGE**