

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CR No.7403 of 2015 (O&M)

Date of decision: 04.11.2015

Jogi Ram

...Petitioner

versus

Model Economic Township Ltd.

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Manoj Kaushik, Advocate,  
for the petitioner.

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RITU BAHRI, J.

Challenge in this petition is to the order dated 05.10.2015 (Annexure P-1) passed by the Civil Judge (Junior Division), Gurgaon, whereby application (Annexure P-3) filed by the plaintiff-petitioner for tendering documents in rebuttal/additional evidence, has been dismissed.

By way of instant application, the petitioner wanted to place on record two documents i.e. (i) original report of Local Commissioner regarding the land sold to the defendant, (ii) certified copy of Sale Deed Vasika No.316 dated 04.04.2008.

Learned counsel for the petitioner, *inter alia*, contends that the aforesaid application has been dismissed by the trial Court merely on the technical ground that he did not plead that inadvertently, these documents were not placed on record earlier. Reference has been made to the judgment passed by a Coordinate Bench of this Court in Manmohan Singh Vs.

Davinder Kaur @ Mohinder Kaur @ Gurminder Kaur and others, 2014 (4)

PLR 498, wherein it has been held that in case the evidence is essential, there is no bar qua its reception at any stage.

In the given circumstances of the case, since the trial is at the stage of rebuttal evidence, therefore, the application should have been allowed without going deep into the technicality of language.

In view of the above, the impugned order dated 05.10.2015 (Annexure P-1) is set aside and permission is granted to the petitioner to tender the aforesaid two documents in evidence, subject to costs of Rs.3,000/- to be deposited with the District Legal Services Authority, Gurgaon.

Allowed accordingly.

**(RITU BAHRI)**  
**JUDGE**

04.11.2015  
ajp