

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7927 of 2015 (O/M)
Date of decision : 27.11.2015

Smt. Bala Devi

..... Revisionist

Versus

Jagdish Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Kiran Pal Singh, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 16.10.2015 (Annexure-P-4), passed by the learned Additional Civil Judge (Senior Division), Dera Bassi, vide which the application of the plaintiff for additional evidence, was dismissed.

I have heard the learned counsel for the revisionist and have also carefully gone through the file.

It comes out that the plaintiff had filed a suit for declaration claiming ownership of the suit land. He had also challenged the sale deed dated 6.9.1990. It is stated that the case was at rebuttal stage when the present application was filed. By way of additional evidence, the plaintiff wants to prove the plaint and written statement of the parties in case No. 441 dated 29.9.1998

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titled as Bala Devi Versus Sadhu Ram and others. He also wants to recall DW1 for further cross examination and also wants to prove FIR No. 194 dated 16.7.2014 registered under Sections 420/465/467/468/471/120-B IPC at Police Station Dera Bassi. He also wants to prove another FIR No. 215 dated 29.9.2011 to prove that Tarsem Lal, Lambardar and defendant No. 1 had connived.

I am of the view that the factum of plaint and written statement was within the knowledge of the plaintiff as it is not disputed that copy of the decree sheet was exhibited during trial. The recalling of the witness, already cross examined by the party, cannot be allowed on the asking. The plaintiff was given sufficient opportunity to cross examine the witness and the mere fact that he later on came to know about some other facts is no ground to recall the said witness. FIR Nos. 194 and 215 of years 2014 and 2011 respectively, are supposed to be within the knowledge of the plaintiff. Therefore, the additional evidence cannot be allowed, so as to re-open the case and put the clock back. The lower Court has rightly held that the present application has been filed to delay the proceedings. There is no ground to interfere in the impugned order. Hence, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

27.11.2015
sjks