

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 8146 of 2015

Date of decision : December 2, 2015

Shinder Singh

..... Petitioner

Versus

Balwinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. JPS Brar, Advocate
for the petitioner.

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?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 2.11.2015 whereby the application filed by the petitioner-defendant for leading additional evidence has been rejected.

Mr. JPS Brar, learned counsel appearing on behalf of the petitioner submits that the documents sought to be placed on record are essential and necessary for adjudication of the suit as they could not lead when the petitioner was leading his evidence in affirmative, therefore, the trial court has committed illegality and perversity in rejecting the application.

I have heard learned counsel for the petitioner and appraised the paper book.

The contents of application seeking additional evidence does not reveal the expression “despite exercise of due diligence”. It would be apt to reproduce the entire application. The same reads thus:-

“That above titled case is fixed for today. Evidences of defendants has been closed and is fixed for rebuttal.

That in regard to titled case I want to place on record jamabandis of year 1976-77, 1996-97, 201-02, 2006-07 khasra Gardawari and copy of Mutation No.10971 and Death Certificate of Tara Singh, which were earlier left to be appended. That placing on the record of the above said Jamabandis and Khasra Gardawaris and copy of Mutation and Death Certificate is quite necessary for the proper adjudication of the court, in the interest of justice. Therefore, we may kindly be allowed to place on the record the above said revenue record in the interest of justice. Record is annexed here with this application.

Therefore, by submitting this application, regarding the above titled case, I may kindly be allowed to place on record the above said jamabandis and said revenue record as additional evidences.”

From the contents of the application it is revealed that it has been moved just to delay the adjudication of the suit which had reached the stage of rebuttal arguments. It is a matter of record

that evidence of the petitioner-defendant had also been closed. The same has attained finality and no application for recalling of the order has been moved.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

December 2, 2015
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