

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

CR No.8264 of 2014

Date of Decision:-27.02.2015

H.P. Sharma.

.....Petitioner.

Versus

Union of India & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. C.L. Pawar, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Plaintiff is in revision aggrieved by the order dated 30.09.2014 (P-1) passed by the learned Civil Judge(Jr. Divn.), Chandigarh whereby the application for examining the witnesses Swaran Singh and Prem Singh by way of additional evidence has been dismissed.

Learned Counsel for the petitioner has argued that the learned Court below has wrongly dismissed the application in hand because it is apparent from the record that the witnesses which the applicant intends to examine are very much relevant for adjudication of the controversy involved in the present case and in such circumstances, the Court has ample power to permit their evidence if the same was relevant to render justice.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and the same deserves to be dismissed.

It is apparent from the impugned order that similar applications were filed by the petitioner which was dismissed on 7.10.2011 and 6.9.2012 and the said orders have attained finality because they were never challenged before any Court of law. It is further admitted position that the matter is fixed for final arguments and no cogent reasoning is coming forth from the side of the plaintiffs as to why the said evidence could not have been led at the time when the plaintiff was leading his own evidence. Although the Court has the power to permit additional evidence under Section 151 CPC at any stage if the witness that a party intends to examine would assist the Court in coming to a just conclusion. However in the present case, the petitioner has failed to explain as to how the testimony of the witnesses that he intends to examine are of any importance to the controversy involved in the present civil suit. The application for leading additional evidence cannot be allowed in a very casual and cursory manner and there have to be special reasons for allowing such an application. No such special reason is coming forth for allowing the application for leading additional evidence at the stage of final arguments and thus the order passed by the Court below does not suffer from any illegality or infirmity.

In view of the above, finding no merit in the present revision petition the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

February 27, 2015
Vinay