

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No. 8680 of 2014 (O&M)

Date of decision : 3.8.2015

Jaspal Singh

.. Petitioner

versus

Satnam Singh and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. N.P.S. Mann, Advocate, for the petitioner.
Mr. Satwant Singh Ranghi, Advocate, for respondent
no.1/ Caveator.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 26.11.2014 vide which respondent no.1/plaintiff was allowed to lead additional evidence.

Learned counsel for the petitioner submitted that after grant of 51 opportunities, the evidence of respondent no.1/ plaintiff was closed. Thereafter, even the evidence of the defendants was also closed. Though the plaintiff filed the application seeking permission to lead additional evidence, but the same was not maintainable as due diligence was not pleaded. The application as such was also not maintainable.

On the other hand, learned counsel for respondent no.1/caveator, submitted that the only prayer in the application is for permission to place on record certain certified copies of orders passed by the Courts in the earlier litigation between the parties. The same was allowed by the learned court below subject to payment of cost of ₹ 500/-. On the date the Court passed the order allowing the application, the cost was paid and the certified copies of the documents were tendered. The present petition has been filed thereafter. He further submitted that after the certified copies of the documents were placed on record by the plaintiff by way of additional evidence, the petitioner/defendant was granted four

opportunities to rebut the documents placed on record by the plaintiff twice subject to payment of costs, however, neither the cost was paid nor any evidence was led. Finally the evidence of the petitioner/defendant was closed on 18.12.2014. The petitioner having accepted the cost, that too without any protest, has no right to challenge the impugned order.

After hearing learned counsel for the parties, I do not find any case for interference in the present petition. The Court below has merely allowed respondent no.1/plaintiff to place on record certified copies of the pleadings and the order passed in the earlier litigation between the parties. The plaintiff was allowed to place on record the certified copies by way of additional evidence on 26.11.2014 subject to payment of cost of ₹ 500/-. The cost was accepted by the petitioner on the same day and the certified copies of the documents were taken on record. Thereafter, despite availing four opportunities, the petitioner/defendant failed to rebut the documents produced by the plaintiff by way of additional evidence. Once the Court below has merely permitted the plaintiff to place on record certain certified copies of the pleadings and the order passed in the earlier litigation between the parties and further the order being conditional and the costs having been accepted by the plaintiff, the order does not call for any interference by this Court.

The petition is dismissed.

3.8.2015
vs

(Rajesh Bindal)
Judge