

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.99 of 2015

Date of decision: 20.10.2015

Truck Union Mukerian through Jasbir Singh

..... Petitioner

Versus

Labh Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Shiv Kumar, Advocate for the petitioner.

Mr. Satbir Rathore, Advocate for respondent No.1.

ARUN PALLI, J. (Oral)

Vide order being assailed, dated 3.12.2014, application moved by petitioner-defendant No.4, to adduce additional evidence, had since been dismissed.

All what is sought to be brought on record by way of additional evidence is the certified copy of Civil Writ Petition No.9565 of 2005, titled Labh Singh Vs. State of Punjab and others, along with the annexures appended therewith. Concededly, in paragraph 8 of the written statement filed by petitioner-defendant No.4, the fact as regards the institution of the writ petition by the respondent-plaintiff was duly pleaded. So much so, even the photocopy of the said writ petition was appended with the written statement. Records show that it was on account of ailment of the mother of the counsel for the petitioner-defendant No.4, the certified copy of the writ petition could not be produced by the petitioner while leading his evidence.

Learned counsel for the petitioner submits that the proposed evidence has a material bearing on the matter in issue and would enable the Court to arrive at a just and fair decision in the matter.

During the course of hearing, a consensus is reached between the counsel for the parties that it would be open to the petitioner to refer to Civil Writ petition No.9565 of 2005, titled Labh Singh Vs. State of Punjab and during the course of hearing of the suit and it would be open to the trial Court to consider and evaluate the effect thereof on the merits of the controversy.

That being so, the revision petition is disposed of with an observation that petitioner shall be at liberty to refer to the certified copy of Civil Writ Petition No.9565 of 2005, photocopy whereof is already on record, during the course of hearing of the suit. And trial Court shall consider and evaluate the effect thereof on merits of the controversy and pass appropriate orders in accordance with law.

October 20, 2015

Manoj Bhutani

**(ARUN PALLI)
JUDGE**