

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

Review Application No.30-CII of 2015 in/and

Civil Revision No.467 of 2015

Date of Decision: 02.03.2015

Ajaib Singh and another

..... Petitioners

Vs.

Ravinder Kaur and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajan Bansal, Advocate for the petitioners.

JASWANT SINGH, J. (ORAL)

R.A. No.30-CII of 2015

This is an application under Section 114 of CPC read with Order 47 Rule 1 CPC whereby prayer has been made for reviewing the order dated 21.01.2015, in view of certain factual errors being noticed by this Court while dismissing the aforementioned Civil Revision No.467 of 2015.

After going through the same, this Court finds that indeed there are certain factual errors which have crept in the order passed by this Court and consequently this Court allows the review application filed by the petitioners and the present Civil Revision is being heard on merits again today itself.

Civil Revision No.467 of 2015

Plaintiffs are in revision aggrieved by the order dated 26.11.2014 (**Annexure P-7**), passed by the learned Civil Judge (Jr. Divn.), Bathinda, whereby their application for leading additional evidence at the stage of rebuttal arguments has been dismissed.

Learned Counsel for the petitioners has vehemently argued that the learned trial Court below ought to have allowed the impugned application. His material rights are involved in the present case and without leading the said documents in evidence, the suit of the plaintiffs would be in jeopardy.

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

The application moved by the petitioners for leading additional evidence was at the stage when the defendant was already leading his evidence and vide the said application, the petitioners intended to bring on record the HOUSEFED bylaws so as to show that normal procedure of registering the sale deed is not applicable and rather procedure followed by HOUSEFED authorities has to be followed in the matter of transfer of plot in the society, by examining the concerned Clerk of Bathinda Housing Complex CHBS, Dabwali Road, Bathinda. It is settled law that an application for additional evidence can be allowed only after certain special circumstances are shown by a party as to why he could not lead his evidence earlier. It is further further settled position of law that no Court can allow an application for additional evidence in a casual manner and the merits of the case as well as the relevancy of the evidence which the applicant intends to adduce is required to be seen. A perusal of the application (**Annexure P-5**) filed by the petitioners/plaintiffs would show that there is no due diligence on the part of the plaintiffs for not producing the said evidence earlier. The petitioners merely stated in their application that they were not aware of the necessity or the importance of this evidence earlier at the appropriate stage. Thus, in the view of this Court is not enough to absolve plaintiffs/petitioners of their responsibility to

lead evidence in affirmative. Ignorance of law is no plea in the eyes of law and will never come to the rescue of a litigant who is not vigilant at the time of leading his evidence. The plea of not being aware of the necessity or importance of the evidence is not available to the plaintiffs because it is they who have filed the suit for specific performance and were very well aware that the property in question is in HOUSEFED Colony, Bathinda.

In view of the above, the present revision petition is devoid of any merit because the application lacks *bona fide* as well as due diligence and thus no interference is warranted and the same is hereby dismissed.

March 02, 2015
Vinay/Gagan

(JASWANT SINGH)
JUDGE