

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1141 of 2013
Date of decision : May 10, 2016

Punjab State Civil Supplies Corporation Ltd. and another

..... Petitioners

Versus

Food Corporation of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Goldy Jakhar, Advocate for
Mr. H. S. Brar, Advocate
for the petitioners.

Mr. Atul Gaur, Advocate and
Mr. Sumeet Goel, Advocate
for the respondents.

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).

Punjab State Civil Supplies Corporation Ltd. is aggrieved of the impugned order dated 5.11.2012 declining the application seeking additional evidence at the stage when the suit was for arguments.

Learned counsel for the petitioner submits that the contention raised in the application and revision petition is that in a suit for recovery of principle amount the defendants in the written statement stated that no rice was delivered during the crop year 2001-2002 and in their evidence defendants admitted that delivery of rice to exporter. It is in these circumstances, the evidence is sought to be placed on record by way of additional evidence by summoning

the record pertaining to export for the year 2001-02 i.e.w.e.f. 27.9.2002 to 28.9.2002.

He further submits that no prejudice would be caused to the other side as the right to rebut the same would enable the court in adjudication of *lis* between the parties, thus, beseeches to this Court for setting aside of the order and allow the application Annexure P-4.

Learned counsel for the respondents submits that the suit was instituted in the year 2007. The written statement was filed in July, 2007 wherein it has specifically been denied that no rice/paddy during the crop year 2001-02 was delivered to the various rice millers/staff of the plaintiffs in this regard. Plaintiffs summoned the witness from the office of FCI. PW-6 Ashok Kumar Dabra, Assistant Grade-I brought the record for the year 2001-02 and evidence was closed. Even defendants' evidence has been closed. The expression used in the application "despite exercise of due diligence" is wanting. The evidence could not be lead while leading in affirmative, such evidence would tantamount to granting the plaintiffs chance to lead evidence in rebuttal, in the absence of rebuttal issue.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is no substance in the plea of learned counsel for the petitioners. The suit was instituted in the year 2007 and the written statement was filed in July, 2007. The petitioners-plaintiffs summoned the witness from FCI and sought indulgence of the Court for bringing on record the record

pertaining to the same very crop year i.e. 2001-02 and closed the evidence thereafter. The factum of denial of crop was made in the year 2007. No explanation has come forth in moving the application at a belated stage i.e. 7.5.2012 and the suit has reached the stage of arguments. Even otherwise, in case the application is allowed, it would tantamount to allowing the plaintiffs to lead evidence in rebuttal whereas there is no rebuttal issue, rightly so, the courts below declined the application.

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

May 10 , 2016
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