

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1460 OF 2016
Date of Decision: 26.02.2016

SATISH SALUJA

.....Petitioner

Vs.

HARISH KUMAR AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Jainainder Saini, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

1. The present petition has been preferred against the order dated 06.01.2016 passed by the learned Civil Judge (Junior Division), Hisar, vide which the application filed by the petitioner-plaintiff for leading additional evidence, has been dismissed.

2. Learned counsel for the petitioner contended that the petitioner only want to produce in evidence the cancellation report No.96 CAN dated 24.06.2014 and the affidavit filed by the defendant. He contended that the said additional evidence is essential as the affidavit and the copy of cancellation report will assist the Court in arriving at the just conclusion of the controversy. He contended that one opportunity may be afforded to the petitioner to produce the additional evidence.

3. I have duly considered the aforesaid contentions. Petitioner-plaintiff has filed the suit for declaration that he is owner in possession in equal shares in the property in dispute. He has challenged the gift deed No.1409 dated 09.09.2009 executed by defendant No.1. The learned trial Court has observed that in the plaint, there is no averment with regard to the affidavit filed by the defendant and the criminal case got registered by the plaintiff. So, the evidence sought to be produced in the additional evidence was beyond the pleadings. It is settled principle that the evidence beyond pleadings, cannot be allowed to be led. Moreover, petitioner-plaintiff has himself got registered the criminal case vide FIR No.75 dated 09.02.2013, so, the factum of the criminal case was very much in the knowledge of the petitioner. The petitioner has not given any satisfactory explanation as to why these documents could not be produced by him earlier. The plaintiff has availed more than 15 opportunities to lead his evidence and he voluntarily closed the oral evidence vide statement dated 03.11.2015. Learned counsel for the petitioner also could not show as to how the documents of the criminal case, will assist the Court in arriving at the just conclusion of the case.

4. Thus, keeping in view my aforesaid discussion, I do not find any illegality in the impugned order warranting any interference by this Court. Resultantly, the present revision petition having no merit, is hereby dismissed.

26.02.2016*SwarnjitS***(DARSHAN SINGH)
JUDGE**