

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

CR No. 1725 of 2016(O&M)

Date of decision: 21.04.2016

Kartar Chand through LR's Krishnawanti and others

..... Petitioners

Versus

Aggarwal Vaish Panchayat (Regd.)

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Arun Singal, Advocate
for the petitioners,.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 23.02.2016 passed by the learned Civil Judge (Jr. Division), Panipat, whereby the application moved by the plaintiff for additional evidence has been dismissed.

2. Learned counsel for the petitioner contended that the plaintiff-petitioner wants to produce in the additional evidence the rent note dated 27.06.1969 Annexure P-6, copy of the house tax assessment register for the year 1968-69, 1983-84 and 1988-89 to establish that he was in possession of the demised premises as a tenant. He further contended that the rent note was relied upon by the defendant-respondent itself in another civil suit titled as 'Aggarwal Vaish

Panchayat Vs. Balkar Singh and others'.

3. I have duly considered the aforesaid contentions.

4. Annexure P-3 is the copy of the application moved by the petitioner for leading additional evidence. In the application for additional evidence, the plaintiff-petitioner has simply mentioned that there are some rent notes purporting to be executed by the plaintiff and produced by the defendant in civil suit no. 894 of 1994, which was not earlier in the knowledge of the plaintiff. Those documents are very much necessary for just and proper decision of the case. In the application, the plaintiff has not mentioned any date of the said rent note. On the one hand, it is alleged that the said rent note was executed by the plaintiff-petitioner himself and on the other hand, it has been pleaded that this document was not earlier in the knowledge of the plaintiff. When the plaintiff-petitioner himself was the executant of the alleged rent note, it does not lie in his mouth to plead that the same was not earlier in his knowledge. Moreover, the document which is stated to be the rent note is in-fact an application/letter written by the plaintiff to the president of the Panchayat Aggarwal, Panipat. I fail to understand as to how this document can be stated to be a rent note.

5. There is absolutely no reference of the copies of the assessment register to be produced in the additional evidence in the application moved by the plaintiff. So, these documents sought to be produced in the additional evidence are beyond

the scope of the application.

6. Learned trial Court has rightly observed that the copy of the judgment in which the reference of the alleged rent note is given, was produced in evidence on 18.10.2012. The plaintiff has availed total 21 opportunities to lead the evidence. Out of which, 15 opportunities were availed after production of the aforesaid judgment. So, it cannot be stated that the plaintiff-petitioner could not produce the evidence sought to be produced in the additional evidence despite exercise of due diligence.

7. Consequently, I do not find any illegality in the impugned order passed by the learned trial Court.

8. Thus, the present revision petition having no merits, is hereby dismissed.

21.04.2016

S.khan

**(DARSHAN SINGH)
JUDGE**