

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.3394 of 2016

Date of Decision.13.05.2016

Balwinder Singh

.....Petitioner

Vs.

Pal Singh @ Harpal Singh and another

.....Respondents

Present: Mr. G.S. Ghuman, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The objection by the petitioner is that the defendant who had given his evidence and who was also cross-examined had filed an additional affidavit of evidence which was accepted by the Court and put for further cross-examination. To him, after the amendment in the Civil Procedure Code deleting Order 18 Rule 17A CPC, there is no power left to the Court to allow for additional evidence to be given.

2. The counsel is not able to bring before Court that anything stated already and admitted in the cross-examination is sought to be resiled through an additional affidavit stated to be filed. There is no prejudice that could be said to be caused by acceptance of additional affidavit and I find no reason for interference. The counsel for the petitioner wants to cite several judgments in Sailo Ram and others Vs. Kuldip Chand and others 2003(2) CLJ (H.P.) 406; Jai Bhagwan Vs.

Lajwanti and another 1978 PLJ 276; Allumalla Kannam Naidu Vs.

Smt. Allumalla Simhachalam AIR 2003 (A.P.) 239 and Roshan Lal Vs.

Ram Asra Mal 2001(1) RCR (Civil) 682. I do not propose to make reference to these judgments, for, I rest the case on the first principles of law that in the absence of prejudice to the petitioner or illegality of the order, there is no scope for invoking powers under Article 227.

3. The revision petition is dismissed.

(K. KANNAN)
JUDGE

May 13, 2016
Pankaj*