

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

**CR No. 3460 of 2016
Date of decision :17.05.2016**

Akem Singh

..... Petitioner

Versus

Kamlesh Rani and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Namit Gautam, Advocate
for the petitioner.

- 1. Whether Reporters of Local papers may be allowed to see the judgment?Yes.**
- 2. To be referred to the Reporters or not?Yes.**
- 3. Whether the judgment should be reported in the Digest?Yes.**

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred by the plaintiff-petitioner against the order dated 27.04.2016 passed by the learned Civil Judge (Junior Division), Ludhiana, whereby the application moved by the petitioner for leading the additional evidence has been dismissed.

2. Learned counsel for the petitioner contended that the plaintiff-petitioner wants to examine Smt. Pushpa Devi, who is a relevant witness and can depose as to how the petitioner was defamed by the defendants. Her examination

will assist the Court in arriving at the just conclusion of the case. Smt. Pushpa Devi was present at the time of the alleged occurrence. Thus, he contended that the learned trial Court has wrongly dismissed the application.

3. I have duly considered the aforesaid contentions.

4. Petitioner-plaintiff has filed the suit for damages on account of loss of reputation, estimation, mental agony and torture at the hands of the respondents. The plaintiff wants to examine Smt. Pushpa Devi in the additional evidence on the plea that she can depose as to what had happened at that time and how the defendants insulted the plaintiff. This fact has not been disputed at the time of arguments by learned counsel for the petitioner that the petitioner-plaintiff has already examined the witnesses on this aspect of the case. It is settled principle of law that the Court is to act upon the quality of the evidence and not the quantity of the evidence. The additional evidence cannot be allowed for the repetition of the evidence already adduced by the parties. It is also not disputed that the name of this witness does not figure in the list of witnesses filed by the petitioner. The petitioner has already examined the witnesses mentioned by him in his list and thereafter, he has voluntarily closed the evidence through his counsel.

5. The present application has been moved when the defendants have already concluded their evidence. Learned

counsel for the petitioner has not been able to show as to how the statement of Smt. Pushpa Devi will be material and will assist for the just decision of the case when the plaintiff-petitioner had already examined the witnesses on the same point/aspect of the case.

6. There is also no explanation as to why this witness could not be examined earlier despite the exercise of due diligence when the evidence was being adduced by the petitioner. The learned trial Court has rightly observed that the present application has been filed by the petitioner just to make the improvement in the case. It is settled principle of law that additional evidence cannot be allowed to fill up the lacuna. Thus, the petitioner has not been able to make out the case for leading the additional evidence.

7. Consequently, I do not find any illegality in the impugned order dated 27.04.2016 passed by the learned trial Court.

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

17.05.2016

S.khan

(DARSHAN SINGH)
JUDGE