

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

**C.R. No.4419 of 2016
Date of Decision.15.07.2016**

Surja Ram s/o Bhaira Ram

.....Petitioner

Vs.

Roop Chand and others

.....Respondents

Present: Mr. Piyush Aggarwal, Advocate
for the petitioner.

Mr. Sarabjit Singh Sidhu, Advocate
for the caveators/respondents.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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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AMIT RAWAL J. (ORAL)

The petitioner-plaintiff is aggrieved of the impugned order whereby an application of the respondents-defendants for allowing them to lead additional evidence with regard to report of the Tehsildar dated 28.11.2013, which has already been produced on record but inadvertently, could not be tendered in the evidence, has been allowed.

Mr. Piyush Aggarwal, learned counsel appearing on behalf of the petitioner with vehemence and eloquence argues that the application has been moved at the stage of rebuttal evidence which is not permissible, much less, lacking the material particulars of expression "despite due diligence" included and therefore, the Court ought not to have interfered with. The defendants have already examined four witness and the aforementioned evidence is an attempt to fulfill the lacuna left in the trial and thus, would

cause great prejudice to the petitioner and therefore, urges this Court to set aside the impugned order.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that the matter in controversy is with regard to permanent injunction qua possession. The report of the Tehsildar, in my view, though brought on record but have not been produced in accordance with law, shall be essential for determination of the issue between the parties. No doubt the application has been moved at belated stage but wisdom had dawned upon the defendants to rectify the technical defect. The aforementioned evidence would facilitate the Court in adjudication of the lis and in such a case, the Court can also grant such prayer as has been noticed above.

In view of the facts mentioned above, I am of the view the order impugned does not suffer illegality and perversity, much less, cannot be said to be passed without jurisdiction. I do not find any reason for interfering with the same. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

July 15, 2016
Pankaj*