

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4750 of 2015
Date of Decision: February 26, 2016

Ram Kumar & others

...Petitioners

Versus

Jagdish Rai & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.R.S.Mamli, Advocate,
for the petitioners.

Mr.S.S.Dinarpur, Advocate,
for respondent Nos.1 to 3.

AMIT RAWAL, J. (Oral)

The petitioner-plaintiffs are aggrieved of the dismissal of the application, vide which the indulgence of the Court was sought to place on record documents by way of additional evidence.

Mr.R.S.Mamli, learned counsel appearing on behalf of the petitioners submits that the plaintiffs had filed a suit for declaration, joint possession and permanent injunction. However, in the aforementioned suit, the evidence of the plaintiffs was closed on 17.10.2011. Some informations were provided to the competent authority vis-a-vis holding of the enquiry against certain persons. The said enquiry was held in the month of September, 2011 and the information was supplied thereafter. Immediately after closing the evidence of the defendants, application in this regard was

moved on 24.7.2014. However, the trial Court has erroneously dismissed

the application holding that this was in the knowledge of the petitioner-plaintiffs.

Mr.S.S.Dinarpur, learned counsel appearing on behalf of respondent Nos.1 to 3 submits that all this information was in the knowledge of the petitioners and, therefore, there is no compliance of the provisions of exercise of due diligence, much less these documents are not per se admissible in evidence as the same are the photo copies. Moreover, the documents, sought to be placed on record by way of additional evidence, have no connection or relation with the nature of the suit. He also submits that the application was not accompanying by any affidavit and, thus, prays for dismissal of the revision petition.

I have heard the learned counsel for the parties and appraised the paper book and am of the view that the impugned order is not sustainable, for, the documents sought to be placed on record by way of additional evidence have been annexed as Annexures P2 to P9. The following documents, which are subsequent events, necessary and essential for the adjudication of the lis, in essence, the same would enable the Court to decide the matter and give the verdict, are ordered to be permitted to be placed on record:-

- “1. Report of S.D.O. Civil (SDM), Bilaspur dated 29.09.2011.
2. Report of Tehsildar, Bilaspur dated 08.08.2011.
3. Report of S.D.O. Civil (SDM), Bilaspur dated 30.08.2011.
4. Certified copy of Revision Petition bearing C.R.No.1655 of 2013 of Hon'ble High Court of Punjab and Haryana, Chandigarh.
5. Copy of house tax bearing receipts No.75, 23, 76 & 100.
6. Copy of order dated 09.08.2011.

7. Copy of F.I.R.No.60 dated 25.4.10, P.S. Bilaspur.
8. Copy of order dated 20.4.10.”

It is made clear that under the garb of this order, the petitioner-plaintiffs shall not be allowed to lead any fresh or any other additional evidence not indicated above.

The revision petition stands allowed.

February 26, 2016
ramesh

(AMIT RAWAL)
JUDGE