

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

CR No.4733 of 2016(O&M)
Date of decision: 27.07.2016

Grampanchayat, village - Pingore

... Petitioner

Versus

Raju

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Jangvir Singh Hooda, Advocate for the petitioner.

ARUN PALLI J. (Oral)

Vide order being assailed, dated 01.07.2016, rendered by Civil Judge (Sr. Divn.), Hodal, the application moved by the petitioner-defendant to adduce additional evidence has since been dismissed.

Concededly, evidence of the plaintiff was closed on 06.11.2015 and the matter was posted for defendant's evidence. For, despite numerous opportunities as also the last opportunity, defendant failed to adduce any evidence, the court closed the defendant's evidence by order on 10.03.2016. Subsequently, an application was moved to adduce additional evidence, as the plaintiff had failed to lead any evidence in support of its case. It is the said application that has been dismissed by the trial court, for the petitioner/defendant had not even mentioned as to what evidence was intended to be led by way of additional evidence.

Vide application for additional evidence, what perhaps was sought to be brought on record was an evidence which the defendant would

have led either in affirmative vis-à-vis the issue the onus of proof was placed upon him or in rebuttal. Needless to assert, such an evidence could not have been led by way of additional evidence. Even otherwise, a party to the lis can lead additional evidence only in the eventuality where either the proposed evidence was not in its knowledge or could not be adduced despite exercise of due diligence. Such is not the position in the matter in hand. So much so, what, indeed, was sought to be adduced by way of additional evidence was not even specified in the application. Thus, remedy, if any, available to petitioner was/is to assail the order dated 10.03.2016, vide which its evidence was closed by order.

For the reasons recorded above, no interference is warranted. Accordingly, the revision petition is dismissed.

July 27, 2016
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned: YES/NO

Whether Reportable: YES/NO