

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

CR No. 5359 of 2016

Date of decision : 22.08.2016

Ranjit Singh

....Petitioner

V/s

Jhanda Sahib Dera Baba Kharak Singh

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. RVS Chugh, Advocate for the petitioner.

RAJAN GUPTA J.

Present revision petition is directed against the order passed by trial court dismissing application moved by plaintiff to lead additional evidence.

Learned counsel for the petitioner has contended that trial court has erroneously rejected the plea of petitioner. The additional evidence sought to be lead is necessary for just decision of the case. Thus, impugned order deserves to be set-aside.

I have heard learned counsel for the petitioner.

It appears that plaintiff-respondent filed suit for permanent injunction restraining the petitioner-defendant from interfering in his peaceful possession by raising construction over the land comprised in khasra no. 164/211 and khasra no. 331(1-0) situated in revenue limits of Village Daun, District SAS Nagar, Mohali. Upon notice, petitioner appeared and filed reply to the suit. During trial, effective opportunities were availed by defendant-petitioner for leading evidence. Same was closed by order on 05.04.2016. At the stage of rebuttal and arguments, instant

application was moved seeking to lead additional evidence. Trial court has rejected the prayer observing that there is nothing to show that despite due diligence, such evidence could not be produced earlier. I find no infirmity with the impugned order. In view of judgment in *Shiv Cotex vs. Tirgun Auto Plast P. Ltd. & ors.* 2011(4) RCR (Civil) 807, no further opportunities need to be granted to the petitioner to lead evidence.

Revision petition is without any merit and is dismissed.

August 22, 2016

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No