

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

**Civil Revision No.6094 of 2016 (O&M)**  
**Date of Decision: September 16, 2016**

**Lal Chand**

...Petitioner

Versus

**Manju Devi & others**

...Respondents

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

Present: Mr.Chanderhas Yadav, Advocate,  
for the petitioner.

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**AMIT RAWAL, J. (Oral)**

Petitioner-plaintiff is aggrieved of the dismissal of the application filed seeking to lead additional evidence, i.e., for examination of Yashwati wife of Birender Singh, Cashier Gurgaon Gramin Bank Nangal Teju and concerned Clerks of the DHBVN in a suit for specific performance and declaration.

Mr.Chanderhas Yadav, learned counsel for the petitioner-plaintiff submits that the aforementioned evidence is essential and necessary for the adjudication of the suit. It was categorically mentioned that in the cross-examination of defendant No.1, it has surfaced that one Yashwati wife of Birender Singh is also in possession of the disputed land as per the registered agreement dated 14.3.2007 executed by defendant Manju Devi in her favour and constructed the boundary wall of her plot, which is an additional evidence and, therefore, application was filed, which has erroneously been dismissed.

I have heard the learned counsel for the petitioner and appraised the paper book.

The aforementioned factum was disclosed in the written statement. Nothing prevented the petitioner-plaintiff to lead evidence in affirmative. In my view, filing of the application in the nomenclature of the additional evidence is, in fact, the rebuttal evidence, which is not permissible in the absence of the rebuttal issues in view of the Division Bench judgments of this Court in **Surjit Singh & others Versus Jagtar Singh & others**, 2007(1) RCR (Civil) 537, **Avtar Singh & another Versus Baldev Singh & others**, 2015 (1) PLR 230 and **Jagdev Singh & others Versus Darshan Singh and others**, 2007(1) RCR (Civil) 794.

It is an attempt to fill up the lacunae by way of additional evidence, which could not lead in rebuttal as additional evidence is impermissible and rightly so, the application was dismissed. No ground for interference is made out.

Revision petition stands dismissed.

**September 16, 2016**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable:**

**Yes/No**