

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 6547 of 2016

Date of decision : 03.10.2016

Balbir Singh

....Petitioner

V/s

Ajit Singh & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. SP Soi, Advocate for the petitioner.

RAJAN GUPTA J.

Challenge in the present petition is to order dated 14.09.2016 passed by court below whereby application filed by petitioner-defendant for leading additional evidence was rejected.

Learned counsel for the petitioner submits that trial court has erroneously rejected the plea of petitioner. Additional evidence sought to be led is necessary for just and proper adjudication of the case. Thus, impugned order deserves to be set-aside. He has placed reliance on judgment of this court reported as *Hans Raj vs. Surinder Kaur & ors. 2010(44) RCR (Civil) 782* in this regard.

I have heard learned counsel for the petitioner.

It appears that plaintiff had instituted a suit for grant of decree for permanent injunction before the court below. After parties led their evidence, petitioner-defendant no. 5 filed instant application seeking permission to place on record certified copies of judgment and decree and copies of plaint and written statements filed in earlier cases by respondents/plaintiffs. Same was, however, dismissed by the trial court

observing that documents now sought to be produced by petitioner-defendant no. 5 could have been produced at the time when defendants have led their evidence as those documents were already mentioned in the plaint filed by plaintiff. The case being at the stage of final arguments, petitioner was not entitled to lead additional evidence at this stage. I find no legal infirmity with the order passed by court below. It is inexplicable why petitioner remained quiet during the entire proceedings. He has moved instant application at a stage when suit neared its culmination merely to delay the proceedings. Judgment cited by the petitioner cannot help the case of the petitioner. No ground is, thus made out to entertain the plea for leading additional evidence. Revision petition is without any merit and is hereby dismissed.

October 03, 2016

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No