

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.7283 of 2016
Date of decision: November 03, 2016

Sunita Devi ...Petitioner

Versus

Satpal and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jitender Nara, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 5.10.2016 (Annexure P-3), passed by Additional District Judge, Jhajjar, whereby application U/O 41 Rule 27 CPC for leading additional evidence by way of producing copy of sale deed dated 04.01.1951, filed by the petitioner/plaintiff, has been rejected.

Learned counsel for the petitioner has assailed the order. He submits that approach of the court below is erroneous and against law. The document sought to be produced by way of additional evidence is very essential and necessary for the proper adjudication of the case.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears that a suit for permanent injunction was filed by the petitioner/plaintiff for restraining the respondent/defendants from demolishing walls of the plot in dispute on the ground that she is owner

in possession of the same. Suit was dismissed by the trial court on 11.12.2013. Petitioner preferred appeal against the judgment and decree, passed by the trial court. During pendency of appeal, petitioner filed instant application U/O 41 Rule 27 CPC for leading additional evidence seeking production of sale deed dated 04.01.1951. Application has been dismissed by the first appellate court by observing that same cannot be allowed at the appellate stage and the petitioner cannot be permitted to adduce such evidence so as to fill in the lacuna in the case. Aggrieved, present revision petition has been preferred by the petitioner. A perusal of records shows that the document sought to be produced by way of additional evidence was never pleaded in the suit by the petitioner. It is evident that petitioner now wants to fill up lacunae in her case. I find no infirmity with the order. Revision petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

November 03, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No