

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

CR No. 7738 of 2015

Date of decision :01.08.2016

Sucha Singh

.....Petitioner

Versus

Gurmeet Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Sanjeev Pandit, Advocate
for the petitioner.

Mr. S.S.Panag, Advocate
for respondent no.1.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 29.10.2015 passed by learned Additional Civil Judge (Sr. Division), Balachaur, vide which the application filed by the petitioner-defendant no.2 for additional evidence has been dismissed.

2. Learned counsel for the petitioner contended that the petitioner only wants to produce in evidence the report dated 29.07.2009 made by the process server on the summons in the name of the petitioner, the application dated 31.07.2009 moved by the petitioner under Order 5 Rule 20 of

the Code of Civil Procedure, 1908 (for short 'C.P.C') and application dated 20.03.2012 moved for inspection of file of civil suit titled as 'Gurmeet Singh Vs. Naranjan Singh etc'. The certified copies thereof are already available on record. He contended that these documents cannot be created by the petitioner and are part of the judicial record. Those are also essential for the just decision of the case.

3. On the other hand, learned counsel for the respondent no.1 contended that sufficient opportunities have already been granted to the petitioner to lead his evidence. His evidence was voluntarily closed by his counsel on 09.02.2015. So, he has no right to lead the additional evidence.

4. I have duly considered the aforesaid contentions.

5. The petitioner only wants to produce in evidence three documents mentioned above, which are part of the judicial record which could not have been manipulated by the petitioner. The production of those documents is also essential for the just decision of the case and will not cause any prejudice to the rights of the respondents. No doubt, the counsel for the petitioner in the trial Court has voluntarily closed the evidence. The respondents can be well compensated by way of costs for the inconvenience caused to them.

6. Thus, in view of aforesaid discussion, the present revision petition is hereby allowed. The petitioner is granted

one opportunity to produce in his additional evidence the following documents subject to Rs. 3000/- as costs.

1. Copy of report of the process server dated 29.07.2009 on the summons issued in the name of petitioner by this Hon'ble Court for his service for 31.07.2009 on which he is reported that the defendant/applicant is residing in foreign country.
2. Copy of application dated 31.07.2009 moved by the plaintiff through counsel under order 5 Rule 20 CPC.
3. Copy of application dated 20.03.2012 moved through counsel for inspection of the Civil Suit file titled as Gurmit Singh Vs. Naranjan Singh etc.

01.08.2016

S.khan

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No