

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

CR No. 7651 of 2013(O&M)

Date of decision :03.08.2016

Gurbaj Singh

.....Petitioner

Versus

Shameer Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Amit Arora, Advocate
for the petitioner.

Mr. B.K.Kaushik, Advocate
for respondent no.1.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 13.11.2013 passed by the learned Additional Civil Judge (Sr. Division), Tarn Taran, vide which the application moved by the plaintiff-respondent for additional evidence has been allowed.

2. Learned counsel for the petitioner contended that the application moved by the petitioner for additional evidence has been allowed when the suit was pending at the stage of rebuttal evidence. He contended that no application for additional evidence can be allowed at the stage of rebuttal

evidence. To support his contentions he has relied upon cases **Satnam Singh Vs. Devinder Kaur 2006(4) R.C.R (Civil) 639** and **Sachin Vs. Smt. Sunita Vashisht and others 2005(2) R.C.R (Civil) 481**. He further contended that adequate opportunities were availed by the respondent to adduce the evidence. Thus, he contended that the impugned order passed by the learned trial Court is illegal.

3. On the other hand, learned counsel for the respondent no.1 contended that the petitioner is not being taken by surprise by the additional evidence ought to be adduced. The respondent has already produced on record the certified copy of the Will and the sale deed in question. Now, the respondent only wants to examine the Ahlmad of the Court with the record of the criminal case wherein the original Will and sale deed are lying. That evidence will not cause any prejudice to the rights of the petitioner.

4. I have duly considered the aforesaid contentions.

5. There can be no hard and fast rule that the additional evidence cannot be permitted in any eventuality after the closing of the evidence by the defendant and at the stage of rebuttal evidence. If the additional evidence sought to be adduced is essential for the just decision of the case, said additional evidence can be permitted by exercising the powers under Section 151 of the Code of Civil Procedure, 1908, at any stage of the suit.

6. In the instant case, the plaintiffs-respondents only wants to examine the Ahlmad of the Court along with the record of the criminal case wherein the original Will and sale deed are stated to be attached. The production of said additional evidence will certainly not cause any prejudice to the defendants. Moreover, the petitioner will also have an opportunity to lead the evidence in rebuttal to the additional evidence adduced by the respondents.

7. Thus, keeping in view my aforesaid discussion, I do not find any illegality in the impugned order passed by the learned trial Court, which does not call for any interference by this Court.

8. Thus, the present revision petition having no merits, is hereby dismissed.

03.08.2016

S.khan

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No