

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

CR No.7476 of 2014

Date of decision: 24.02.2016

Jagga Singh

..... Petitioner.

Versus

Baljit Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Pardeep Kumar, Advocate
for Mr. A.S.Cheema, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present civil revision has been preferred against the order dated 16.08.2014 passed by the learned Addl.Civil Judge (Sr. Division), Sardulgarh, vide which the application filed by the petitioner-defendant to lead the additional evidence has been dismissed.

2. Learned counsel for the petitioner contended that the petitioner and his father had commission agency transactions with Dharminder Kumar and his father Nathu Ram and Harinder Kumar son of Balbant Rai. They used to sell their crops through them and after receiving the dues,

they had returned the pronote after cancelling the same. He was not aware about the pronote and receipt dated 30.04.2010. Now, after checking the old documents, he has found the pronote and receipt dated 30.04.2010. Thus, the petitioner wants to produce and prove the pronote and receipt dated 30.04.2010 in his additional evidence, which will assist the Court in arriving at the just conclusion of the case. Learned counsel for the petitioner contended that the learned trial Court has wrongly declined the request of the petitioner.

3. I have duly considered the aforesaid contentions.

4. It is the settled principle of law that the evidence beyond pleadings cannot be allowed to be led. Annexure P-4 is the written statement filed by the petitioner. In the written statement, no plea has been taken by the petitioner that earlier Dharminder Kumar etc. had obtained the pronote and receipt dated 30.04.2010 and later on, the same was cancelled. Thus, in the absence of any plea in the written statement, they cannot be allowed to lead the additional evidence to prove the said pronote and receipt.

5. Moreover, the present suit has been filed on the basis of the pronote dated 09.05.2010 executed by the petitioner-Jagga Singh in favour of the plaintiff-Baljit Singh. The pronote dated 30.04.2010 is alleged to have been executed by the father of the petitioner in favour of Harinder Kumar. So, the said pronote has no relevancy for deciding the

present suit. Thus, the learned trial Court has rightly dismissed the application for additional evidence moved by the petitioner.

6. Thus, I do not find any illegality in the impugned order calling for any interference by this Court while exercising the supervisory powers under Article 227 of the Constitution of India.

7. Resultantly, the present revision petition having, no merits, is hereby dismissed.

24.02.2016

S.khan

**(DARSHAN SINGH)
JUDGE**