

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 862 of 2016

Date of Decision: 08.02.2016

Smt. Kanta and Another

... Petitioner(s)

Versus

Phul Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

1. Whether reporters of local newspapers may be allowed to see judgment? Yes
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present: Mr. Jitender Malik, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition is challenge to the order dated 30.1.2016 vide which application dated 28.1.2016, filed under Section 151 CPC for grant of permission to produce certified copies of the Court decree dated 11.3.1983 and 11.1.1989, was allowed.

Learned counsel for the petitioners submitted that petitioners' evidence was concluded on 17.10.2015 and defendants' evidence was concluded on 21.12.2015 and the case was posted for 7.1.2016 for rebuttal evidence, if any and arguments. At that stage, respondents had filed an application for production of revenue record by

leading additional evidence and the same was dismissed as withdrawn on 21.1.2016. Thereafter, another application under Section 151 CPC was filed by the respondents for grant of permission for production of certified copy of Court decree dated 11.3.1983 in additional evidence and the same was allowed.

Having considered the submissions made by learned counsel for the petitioners, this Court is of the considered view that leading of additional evidence is just an exception to the general rule but at the same time, the Court is well within its power to allow additional evidence if it considers, at any stage of the trial, that such an evidence is essential for the just decision of the case. Such power can be exercised under Order 18 Rules 1 & 2 CPC read with Section 151 CPC. Applying the same principles of law, the Court below rightly exercised its powers vested in it after coming to the conclusion that the additional evidence to be adduced is most relevant for the just decision of the case. More so, the nature of additional evidence is such that the same cannot be considered to be tampered or forged evidence. Rather same is part of judicial record i.e. copy of the judgment & decree passed by the Court on the basis of family settlement. Law on the point is also settled that the *lis* between the parties should be finally decided at the trial stage after taking into consideration all the material facts and evidence available with the parties because law of procedure is not meant for creating obstacles for advancement of justice. Rather rules of procedure are for advancement of justice.

In view of above, there is no illegality in the order under challenge and present petition stands dismissed, being devoid of any merit, *in limine*.

(Shekher Dhawan)
Judge

February 8, 2016

"DK"