

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

CR No.1385 of 2017.

Date of Decision: 27.02.2017.

Sagar Arora

....Petitioner.

VERSUS

Sarabjot Kaur and another

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Gulzar Mohd., Advocate for the petitioner.

SNEH PRASHAR, J.

Aggrieved by the order dated 19.01.2017 passed by learned Additional Civil Judge (Senior Division), Khanna, by virtue of which the application filed by the petitioner seeking permission to lead additional evidence was dismissed, the instant revision petition has been filed by the petitioner.

The submissions made by Mr. Gulzar Mohd., learned counsel for the petitioner have been considered.

Learned counsel for the petitioner argues that to show the conduct of the respondent Sarabjot Kaur, who during cross-examination had denied the questions put to her with regard to previous litigation etc., the petitioner intends to examine three witnesses by way of additional evidence (i) Concerned Clerk of the Judicial Record Room, Ludhiana alongwith complete file of case titled Sarabjot Kaur and another vs. Gurpal Singh and others; (ii) Concerned Clerk of S.S.P. Office, Ludhiana alongwith the record

and (iii) Concerned Clerk of S.S.P. Office, Khanna alongwith record of application dated 13.12.2006 filed by Sarabjot Kaur for police protection.

The petitioner cannot deny that existence of the documents, which he now wants to produce by way of additional evidence, were very much in his knowledge. The documents were not such which despite due diligence he could not have been able to produce in his evidence. He was well aware of the cross-examination of the respondent (his wife) when he was given opportunity to produce his evidence. Once he had chosen not to produce the documents during his evidence, he cannot now be allowed to produce the same by way of additional evidence. Otherwise also, as observed in the impugned order by learned trial Court, neither marriage between the parties is a matter in dispute nor birth of son-respondent No.2 out of their wedlock is a matter in issue. The petition under Section 25 of the Guardian and Wards Act, 1890 read with Section 6 of Minority and Guardianship Act had been filed by the petitioner claiming custody of the son. Therefore, the evidence which the petitioner wants to adduce by way of additional evidence, which admittedly relates to his marriage with the respondent-wife, is not necessary for proper and complete adjudication of the case.

Thus, there being no illegality or perversity in the order of learned trial Court, the instant petition being devoid of merit is dismissed.

(SNEH PRASHAR)
JUDGE

27.02.2017.
jitender sharma

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**