

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 1514 of 2017

Date of decision : 02.03.2017

Satish Kumar

....Petitioner

V/s

Sandeep Kumar & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sharad Mehra, Advocate for the petitioner.

RAJAN GUPTA J.

Present revision petition is directed against the order dated 15.02.2017 passed by Civil Judge (Jr. Division), Patti whereby application preferred by the petitioner for leading additional evidence was rejected.

Learned counsel for the petitioner submits that he merely wanted to place on record copies of certain jamabandies which were not in his possession earlier as the same were not traceable. Thus, application for leading additional evidence ought to be allowed by the court below. He has placed reliance on judgment of this court reported as *Rozdar Khan vs. Isab & ors. 2014(79) RCR (Civil) 78*.

I have heard learned counsel for the petitioner.

It appears that plaintiff-petitioner instituted a suit for declaration to the effect that he alongwith defendant no. 1 to 3 are co-sharers in equal share over the suit land alongwith suit for separate possession by metes and bounds of two houses. Suit was instituted way back in the year 2004. Instant application for additional evidence was moved at the stage of rebuttal. Same was, however, dismissed by the trial court observing that

scope of leading additional evidence was limited and was applicable in exceptional circumstances only. Moreover, plaintiff-petitioner was having knowledge of the jamabandies sought to be produced by way of additional evidence from the very beginning. However, he moved the application at the stage of rebuttal evidence. I find no legal infirmity in the order passed. The documents in question were in existence before the suit was filed and petitioner was aware of the same. It, thus, cannot be said that he could not produce the same earlier. Judgment in *Rozdar Khan's* case (supra) is not applicable to the facts of the instant case.

In view of above, no interference in revisional jurisdiction of this court is called for. Dismissed.

March 02, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No