

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

C.R. No.3123 of 2017

Date of Decision: 03.05.2017

Rajender Mohan

....Petitioner

Versus

Hisar Improvement Trust and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Ms. Ritu Pathak, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 29.03.2017 passed by learned Additional Civil Judge (Senior Division), Hisar.

The grievance of the petitioner, in the present petition, is that an application was moved by him on getting information under the Right to Information Act, 2005 and as the additional evidence sought to be brought on record is necessary for just decision of the case. Said application has been dismissed on the ground that the petitioner had earlier availed ten effective opportunities but nowhere, it is mentioned that this information was not in the knowledge of the petitioner.

On perusal of impugned order as well as application, it appears that nothing is mentioned as to how the information, which has been sought to be brought on record by way of additional evidence is necessary for just

decision of the suit or for resolving the controversy in the civil suit.

However, simply saying that ample opportunities were granted to the petitioner and this fact was in the knowledge of the petitioner but it could not be brought on record, is no ground to dismiss the application.

However, no interference can be made on the basis of averments mentioned in the application moved but by considering the interest of justice, the present petition is disposed of with a direction that in case, any fresh application is moved by the petitioner within a period of ten days from the date of receipt of certified copy of the order by mentioning all details in the application as to how the information is relevant for just decision of the case or to resolve the controversy, in hand, in the suit, the trial Court is directed to reconsider the same and pass necessary orders by considering the relevant provisions and settled position of law.

The petition is disposed of accordingly.

(DAYA CHAUDHARY)
JUDGE

03.05.2017
gurpreet

Whether speaking/reasoned

Yes

Whether Reportable

Yes