

CR No. 3588 of 2017 (O&M)

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No. 3588 of 2017 (O&M)

Date of decision: 17.5.2017

Ramanand alias Budhram

...Petitioner

Versus

Ram Singh and others

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Munish Gupta, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 27.4.2017 (Annexure P-2) passed by the learned trial court, whereby application of the plaintiff-petitioner for leading additional evidence was dismissed, he has approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order passed by the learned court below would make it crystal clear that it is a detailed, self contained and well reasoned order, thereby causing no prejudice to the petitioner. Petitioner being plaintiff started leading his evidence. After leading evidence, counsel for the plaintiffs before the learned trial court concluded the evidence. It is neither argued case on behalf of the petitioner, nor it is discernable from the impugned order that evidence of the plaintiffs was

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closed by court order. It were the plaintiffs themselves who closed their evidence. Thereafter, evidence of defendants was concluded and the case was listed for arguments on 20.12.2016. Plaintiff filed an application for adjourning the case sine die, which was finally withdrawn on 30.1.2017. Thereafter, petitioner-plaintiff moved an application for additional evidence, which came to be rightly dismissed by the learned trial court, while passing the impugned order and the same deserves to be upheld.

It is not argued case on behalf of the petitioner that he was not granted sufficient opportunity by the learned trial court to produce his evidence in affirmative. As noticed hereinabove, plaintiffs themselves closed their evidence. Even after fixing the case for arguments on 20.12.2016, plaintiff-petitioner moved another application, seeking adjourning the case sine die. However, the said application remained pending for some time and after availing three opportunities, petitioner withdrew the same on 30.1.2017.

Learned counsel for the petitioner could not furnish any explanation, as to why the said application was moved, what was the purpose of filing it and why it had to be withdrawn by the plaintiffs. Under these peculiar facts and circumstances of the case, it can be safely concluded that the learned court below rightly found the petitioner disentitled for leading additional evidence and the impugned order deserves to be upheld.

No doubt, the learned courts must grant reasonable opportunity to both the parties to put up their best case. However, in the present case, as noticed hereinabove, sufficient and effective opportunities had already been granted to the plaintiffs-petitioner. When the trial was at the fag end, plaintiffs-petitioner had a second thought and filed an application for

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additional evidence, however, the plaintiffs failed to convince the learned trial court, as to how the said additional evidence was relevant for decision of the case. In this view of the matter, it is unhesitatingly held that the learned trial court has rightly passed by the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

17.5.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No