

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

CR No. 4038 of 2017

Date of decision : 01.06.2017

Darshan Singh

....Petitioner

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Alok Kumar Jain, Advocate for the petitioner.

RAJAN GUPTA J.

Present revision petition is directed against the order dated 01.05.2017 whereby trial court has dismissed the application filed by petitioner to tender his air ticket, passport and medical certificate of his wife in evidence. It has been urged before the court that application has been erroneously rejected by the court below. Petitioner who filed a suit for damages on account of malicious prosecution could not produce certain documents before the court at the time of affirmative evidence. Thus, one opportunity needs to be granted to lead additional evidence.

I have heard learned counsel for the petitioner.

It appears that petitioner was charged for various offences under the Prevention of Corruption Act by Vigilance Bureau. He claims that he was acquitted by the trial court. Thereafter, he instituted the instant suit claiming damages of ₹20.00 lacs from the respondents. He got ample opportunity to lead his evidence. After closure of his evidence, defendants' evidence was also completed. At the fag end of the suit when case was fixed

for arguments/rebuttal, instant application has been moved for leading additional evidence. Same has been rejected by the court below. I find no infirmity with the order. There is nothing on record to show that plaintiff could not have led the evidence in question had he exercised due diligence at the time he led evidence in affirmative. Revision petition is without any merit and is hereby dismissed.

June 01, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No