

Civil Revision No.4132 of 2017

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

Civil Revision No.4132 of 2017

Date of decision: 03.07.2017

Sharda Rani and others

.....Petitioners

versus

Rajesh Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Arjun Veer Sarma, Advocate, for the petitioners.

RAMENDRA JAIN, J. (ORAL)

Defendants have filed the instant revision petition under Article 227 of the Constitution of India for setting aside the impugned order dated 05.05.2017 (Annexure P-1) passed by learned Civil Judge (Junior Division), Ludhiana, dismissing their application filed under Section 151 CPC for leading additional evidence. Prayer has been made to allow the petitioners to lead additional evidence to prove electricity bills Ex. D-13 and Ex.D-14.

Learned counsel for the petitioners contended that the petitioners had applied for the electricity connection on 29.12.2014, after more than one year of filing their written statement. Hence, at that time aforesaid electricity bills (Ex. D-13 and Ex.D-14) were not in their knowledge and possession. However, during their evidence, the petitioners produced the aforesaid electricity bills and the same were exhibited on record as Ex.D-13 and D-14 without any objection from the respondent/plaintiff. Oral evidence of the petitioners was closed on 10.01.2017, but cross-examination of their witnesses was left open for the respondent/plaintiff. During the course of cross-examination of the

petitioners' witnesses by the respondent/plaintiff, learned counsel for the

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respondent/plaintiff raised objection to the exhibition and authenticity of electricity bills (Ex. D-13 and Ex. D-14), which were earlier allowed to be exhibited by the respondent/plaintiff without any objection. For this reason and to be more particular, petitioners moved an application for leading additional evidence to prove the aforesaid electricity bills by calling upon the concerned clerk of the electricity department, who had issued the aforesaid bills, which has been dismissed vide impugned order.

Heard.

Electricity bills sought to be produced by the petitioners/defendants are already exhibited as Ex.D-13 and Ex.D-14 without any objection from the respondent/plaintiff. Hence, only formal proof of the same is required. In the considered opinion of this Court, no prejudice will be caused to the respondent/plaintiff if the aforesaid electricity bills, already on record as Ex.D-13 and D-14, are allowed to be formally proved by examining the concerned official of the electricity department.

Accordingly, impugned order dated 05.05.2017 (Annexure P-1) is hereby set aside and the petitioners are allowed to prove the electricity bills (Ex.D-13 and Ex.D-14) by examining the official of the electricity department. Petitioners will do the needful within two days so to be granted by the trial Court.

Revision petition is allowed accordingly.

(Ramendra Jain)
Judge

July 03, 2017
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.