

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-5260-2017

Date of Decision:- 17.08.2017

Mahabir Parsad

.....Petitioner

Versus

Suresh Kumar

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the petitioner.

RITU BAHRI, J. (Oral)

Present revision petition under Article 227 of the Constitution of India for setting aside the order dated 14.07.2017, passed by learned Civil Judge (Jr. Division), Mahendergarh, whereby an application, filed by petitioner/plaintiff, for leading additional evidence to mark exhibit the certified copies of jamabandi for the years 1998-99, 2003-04, 2008-09 and mutation No.4001 dated 11.01.1994, has been declined and further order dated 05.12.2016, whereby his evidence has been closed.

As is evident from the record that the petitioner-plaintiff had made an application to place on record the certified copies of the above-said jamabandies and mutation as additional evidence as these documents were necessary for just decision of the case. All documents except one

document are already on case file and the same being certified copies of revenue records, there are no chances of their tempering with.

The said application was opposed by the respondent-defendant on the ground that the plaintiff had already availed six opportunities and on 05.12.2016 there was seventh last opportunity to conclude his evidence. Further all the documents which the plaintiff wants to produce in evidence were not necessary for just decision of the case. He had the knowledge of these documents from the very inception.

The trial Court, after taking into consideration the facts and all the contentions pertaining to appreciation of evidence, by detailed order has dismissed the above-said application with costs and has observed that the evidence of the plaintiff was closed on 05.12.2016 and this order has not been challenged immediately by way of revision by the plaintiff. The defendant thereafter led his evidence and when the case was fixed for rebuttal evidence and final arguments on 21.03.2017, the above-said application had been filed. In the present suit the plaintiff has challenged Release Deed No.2340 dated 05.09.2002 and its consequent mutation No.4762 dated 27.05.2003 on the basis of fraud and said documents have already been produced in evidence. The plaintiff had failed to explain as to how the jamabandi for the years 1998-99, 2003-04, 2008-09 and mutation No.4001 dated 11.01.1994 are relevant to the matter in dispute. There is no reference in the entire pleadings of the plaintiff with respect to mutation No.4001 and 11.01.1994. If all these documents were relevant, the plaintiff would have gone in revision against the order dated 05.12.2016 when his evidence was closed.

After hearing the learned counsel for the petitioner, going through the above-said judgment, this Court of the considered view that learned Civil Judge (Jr. Division), Mahendergarh appears to have examined the matter in the right perspective and dismissed the application for additional evidence as there was no reference to the pointed jamabandies and mutation in the entire pleadings of the plaintiff. Moreover, learned counsel for the petitioner did not point out any legal infirmity or illegality in the impugned orders, so as to interfere, in exercise of revisional jurisdiction of this Court under Article 227 of the Constitution of India.

Since, there is no merit in the present revision petition, therefore, the same is hereby dismissed as such.

August 17, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No