

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

241

CR-5890-2015

Date of Decision:17.04.2017

Mamta Gupta

.....Petitioner

Versus

Indian Oil Corporation Limited & others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.Sandeep Goyal, Advocate,
for the petitioner.

Mr.M.S.Rana, Advocate,
for Mr.Ashish Kapoor, Advocate,
for respondent No.1.

None for respondent No.2.

RAMESHWAR SINGH MALIK, J.(Oral)

Present revision petition, at the hands of plaintiff, filed under Article 227 of the Constitution of India, is directed against the order dated 24.08.2015(Annexure P-7) passed by the learned trial Court dismissing the application of the petitioner for permitting her to lead additional evidence.

Notice of motion was issued.

Heard learned counsel for the parties.

From a combined reading of the pleadings of the parties, particularly the averments taken by respondent No.1 in para 11(a) of its written statement at page 23 of the paper-book, it becomes crystal clear that the evidence led by Indian Oil Corporation was contrary to its pleadings. In the written statement, it was specifically stated that experience certificate of

defendant No.2 issued by Apna Filling Station was duly verified, whereas in the cross-examination of DW2 at Annexure P-9 (page 52 of the paper-book), it was deposed that there was no verification report in the official record of Indian Oil Corporation, as to whether defendant No.2 was working at Apna Filling Station or not. In this view of the self-contradictory stand taken on behalf of Indian Oil Corporation, plaintiff ought to have been granted permission by the learned trial Court to lead her additional evidence.

It is the settled proposition of law that rules of procedure are meant for advancing the cause of justice. Every Court of law must make an endeavour to give full opportunity to the parties to the litigation to put their best case before the Court. Nobody should be forced to go home with the grievance that sufficient opportunity was not granted. Further, in the peculiar facts and circumstances of the case noticed here-in-above, petitioner-plaintiff was not at fault, while leading her evidence in affirmative. The occasion to lead additional evidence arose to the petitioner-plaintiff only when DW2 came to be cross-examined. However, since the learned trial Court failed to appreciate this crucial aspect of the matter while passing the impugned order, the same cannot be sustained.

During the course of hearing, learned counsel for respondent No.1-Indian Oil Corporation could not support the impugned order passed by the learned trial Court and rightly so, because there was no material available to support the impugned order. Under these undisputed facts of the case, it can be safely concluded that the learned trial Court mis-directed itself, while passing the impugned order and the same cannot be sustained, for this reason also.

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 the petitioner was entitled for leading additional evidence. Accordingly, impugned order dated 24.08.2015(Annexure P-7) passed by the learned trial Court is hereby set aside. Application for additional evidence moved by the petitioner-plaintiff would stand allowed.

Consequently, learned trial Court is directed to grant reasonable opportunity to the petitioner-plaintiff to lead her additional evidence because no prejudice is going to be caused to the defendants in this regard.

Resultantly, with the above-said observations made and directions issued, instant revision petition stands allowed, however, with no order as to costs.

April 17, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No