

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

CR No. 7067 of 2017

Date of Decision: 11.10.2017

JOGINDER SINGH AND ANR

-PETITIONERS

VS

BALWANT SINGH AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. N.K. Manchanda, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

Plaintiffs have assailed the order dated 05.09.2017 passed by Additional Civil Judge (Junior Division), Moga whereby application filed by the defendant-respondent No.1 for additional evidence was allowed.

Examination-in-chief of DW2 namely Balwant Singh and DW3 namely Amarjit Kaur was recorded on 01.12.2015, however, their cross-examination was deferred. On 01.03.2016, both the witnesses were present for cross-examination but due to some mis-conception of fact, defendant got their evidence closed by making a statement and the cross-examination of aforesaid witnesses remained incomplete.

On realizing the aforesaid error, an application for additional evidence came to be filed before the trial Court which

has been allowed vide the impugned order.

The indulgence shown by the trial Court in the procedural law cannot be faulted with any error of jurisdiction or with perversity. The application was allowed subject to payment of costs. The trial Court has granted two effective opportunities to the defendants to lead their evidence.

In view of above, I do not find any justification to interfere in the impugned order.

This revision petition, is accordingly dismissed.

11.10.2017
jjyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No