

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

CR No. 7182 of 2017

Date of Decision : 04.12.2017

Sukhraj Singh

.... Petitioner(s)

Versus

Jagir Singh Sandhu & Ors.

.... Respondent(s)

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Harsh Aggarwal, Advocate
 for the petitioner.

 Mr. Ranjodh Singh Sidhu, Advocate,
 for respondent No.1

B.S.WALIA, JUDGE (ORAL)

1. Revision petition has been filed under Article 227 of the Constitution of India seeking quashing of order dated 14.09.2017 (Annexure P-5) passed by the learned Civil Judge, Junior Division, Tarn Taran whereby the application for producing police report dated 22.03.2017 by way of additional evidence was dismissed.

2. The only submission made by learned counsel for the plaintiff-petitioner is that the application was dismissed on factually incorrect basis i.e. of the plaintiff-petitioner being aware at the time of closing of evidence of the document sought to be produced by way of additional evidence subsequently.

3. Learned counsel contends that the plaintiff-petitioner had closed his evidence on 12.10.2016 whereas the document sought to be produced by way of additional evidence is police report dated 22.03.2017, therefore, the question of the plaintiff-petitioner being aware of the said

document on the date he closed his evidence on 12.10.2016 did not arise.

4. Learned counsel contends that in the circumstances, it is apparent that the learned trial Court passed the impugned order on factually incorrect basis. Learned counsel further contends that since the document sought to be produced by way of additional evidence had come into existence later than the date on which the plaintiff-petitioner had closed his evidence and the same was essential for the just adjudication of the case, the application of the plaintiff-petitioner for leading additional evidence ought to have been allowed.

5. Learned counsel for the contesting respondent has not disputed the factual position as noted above. However, he stated that no mention was made in the application that the document had come into existence after the plaintiff-petitioner had closed his evidence.

6. Learned counsel for the plaintiff-petitioner contended that admittedly the plaintiff-petitioner had closed his evidence on 12.10.2016 and wanted to lead additional evidence by producing police report dated 22.03.2017, therefore, even if he had not stated in the application that the document had come into existence after he had closed his evidence on 12.10.2016, still he could not be denied permission to lead additional evidence by producing police report dated 22.03.2017 since the same admittedly was of a date subsequent to the date on which the plaintiff-petitioner had closed his evidence.

7. I have considered the submissions made by learned counsel for the parties. Admittedly, the plaintiff-petitioner closed his evidence on 12.10.2016. The document sought to be produced by way of additional evidence is police report dated 22.03.2017. The same is essential for the just

adjudication of the case. For obvious reason the same could not have been produced on 12.10.2016 when the plaintiff-petitioner had closed his evidence. In the circumstances, the finding of the learned trial Court of the document sought to be produced by way of additional evidence having been to the knowledge of the plaintiff-petitioner at the time he closed his evidence is factually incorrect.

8. In the light of the position as noted above, the revision petition is allowed. Impugned order dated 14.09.2017 is set aside and the plaintiff-petitioner shall be granted one effective opportunity by the learned trial Court to lead additional evidence for producing and proving police report dated 22.03.2017.

9. Revision petition allowed in the aforementioned terms.

(B.S.WALIA)
JUDGE

December 04, 2017

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| 1. | Whether speaking/reasoned: | Yes/No |
| 2. | Whether reportable: | Yes/No |