

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR No.7758 of 2016 (O&M)

Date of decision: 17.03.2017

Lal Singh (deceased) through LRs

... Petitioner

Vs.

Mukesh Dilawar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vijay Rana, Advocate  
for the petitioner.

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RAMESHWAR SINGH MALIK, J. (ORAL)

CM-5947-CII-2017

Applicant seeks permission to place on record the additional documents as Annexures P-6 to P-8.

Application is allowed, as prayed for.

CM stands disposed of.

CR-7758-2016

Present revision petition, at the hands of respondent in the first appeal, is directed against the order dated 08.09.2016 passed by the learned Additional District Judge, whereby he allowed application of the appellant-respondent herein, under Order 41 Rule 27 of the Code of Civil Procedure, during pendency of the first appeal.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order would show that the learned first appellate Court was well within its jurisdiction, while passing the

impugned order, which has been found duly supported by sound reasons and the same deserves to be upheld.

So far as the judgments relied upon by learned counsel for the petitioner in **Lekhraj Bansal Vs. State of Rajasthan and another, 2014 (15) SCC 686 (SC)**, **Garja Singh and others Vs. Ram Singh and others, 2016 (3) PLR 388 (P&H)** and **Raj Singh and others Vs. Zila and others in RSA No.903 of 2014, decided on 24.05.2016 (P&H)** are concerned, there is no dispute about the observations made and law laid down therein. However, on close perusal of the cited judgments, none of them has been found of any help to the petitioner, being distinguishable on facts. It is settled proposition of law that peculiar facts and circumstances of each case are to be examined, considered and appreciated first before applying any codified or judgemade law thereto. Sometimes, difference of even one additional fact or circumstance can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundrao Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533**, **Union of India Vs. Amrit Lal Manchanda and others, 2004 (3) SCC 75**, **State of Orissa Vs. Md. Illiyas, 2006 (1) SCC 275** and **State of Rajasthan VS. Ganeshi Lal, 2008 (2) SCC 533**.

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 grant reasonable opportunity to both the parties to the litigation to put up their best case before the Court, so as to enable the Court to arrive at a judicious conclusion, with a view to do complete and substantial justice between the parties. In the present case, the learned first appellate Court itself has found the documents, sought to be produced on record by way of additional evidence, to

be necessary for effective decision of the appeal. Having said that, this Court feels no hesitation to conclude that the learned Additional District Judge committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

Further, no prejudice is likely to be caused to the petitioner by passing the impugned order, because petitioner will get the full opportunity to cross-examine the witness, if any, to be produced by the respondents by way of additional evidence. It also goes without saying that evidentiary value of the evidence, sought to be produced by way of additional evidence, shall be considered by the learned Court at the time of passing of the judgment. In this view of the matter, no fault can be found with the impugned order and the same deserves to be upheld, for this reason as well.

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 present revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

**[ RAMESHWAR SINGH MALIK ]**  
**JUDGE**

17.03.2017  
*vishnu*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |