

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

CR No. 7488 of 2017

Date of Decision: 01.11.2017

PREMWATI

-PETITIONER

VS

RAJESH AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajesh Lamba, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Plaintiff-petitioner is aggrieved of the order dated 24.10.2017 passed by Civil Judge (Junior Division), Faridabad vide which application for leading additional evidence moved by the petitioner was dismissed.

[2]. By way of filing the application for leading additional evidence, the plaintiffs sought to examine Diwan Chand, Ved Parkash, Dalchand, Sripal, Record Keeper of SP Office, Record Keeper of SDM office, SP Mittal draftsman, ARC Clerk from the office of Sub Registrar, Gurugram and Lambardar/Sarpanch of the village.

[3]. Evidence of the plaintiffs was closed by order of the Court. Plaintiffs alleged that the documents were in possession

of defendant No.2 and thereafter, he has expired. Plaintiff has also died and therefore, relevant witnesses could not be examined due to illness of the then plaintiff and weak financial condition. No list of PWs was filed at the initial stage.

[4]. Issues were framed on 01.04.2017. Seven opportunities were availed by the plaintiffs till 13.07.2017. On first four dates, the plaintiffs did not lead any evidence despite specific order that list of witnesses was to be filed within seven days as per order dated 01.04.2017. Thereafter, last opportunity was granted to the plaintiffs on 22.05.2017. After closing the evidence of the plaintiffs, defendants have also closed their evidence and the case is at the stage of rebuttal.

[5]. At this stage, the application in question came to be filed in respect of leading additional evidence on the issues, the onus of which was on the plaintiffs. Such type of evidence cannot be permitted to be led at the stage of rebuttal and even by way of additional evidence in view of **Ram Kumar vs Raj Kumar and others, 2014(3) Civil Court Cases 453** and **M/s Shree Sangmeshwar Mahadev Gramo Udyog Mandal vs Ajmer Singh and another, 2014(4) Law Herald 3627.**

[6]. In view of facts and circumstances of the case, no error can be found in the impugned order passed by the trial Court.

[7]. This revision petition is, accordingly, dismissed.

01.11.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No