

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

CR No.7563 of 2017(O&M)

Date of decision: 3.11.2017

Sarita Devi

.....Petitioner

VERSUS

Kali Ram and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. J.S. Cooner, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against order dated 04.10.2017 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Gohana whereby application filed by respondent No.1/plaintiff for adducing additional evidence has been allowed.

The sole submission made by counsel for the petitioner/defendant is that evidence of the respondent/plaintiff was closed by order of the Court on 01.08.2017 and the said order was not challenged by the respondent in appropriate proceedings, therefore, has attained finality. According to counsel, as evidence of the respondent was closed by order, he cannot nullify that order by filing an application for additional evidence.

I have heard counsel for the petitioner, perused the paper-book particularly the order impugned.

Perusal of the materials on record would make it evident that evidence of the respondent/plaintiff was closed on 01.08.2017 and immediately thereafter the instant application (Annexure P-4) was filed for

additional evidence to examine Handwriting Expert. Though the respondent/plaintiff did not file an application for recalling order dated 01.08.2017 as could be filed in the light of enunciation laid down by this Court in **State of Punjab and others Vs. Ajmer Singh, 2009(2) PLR 749**, the present application for additional evidence can be deemed to be filed by the petitioner for the purpose which could be served by filing an application for recalling order dated 01.08.2017. This apart, after closing of evidence of the respondent/plaintiff, the petitioner or other defendants in the case have not adduced any evidence. In the given circumstances, I do not find any justification to interfere in the order impugned in exercise of supervisory jurisdiction of this Court. However, the trial Court shall ensure that respondent No.1/plaintiff concludes additional evidence on or before 30.11.2017.

With the aforesaid observations, the petition stands disposed of. Copy of the order be sent to the Court below forthwith.

NOVEMBER 3, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no