IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.8504 of 2015
Date of Decision: 12.09.2017

Mohd. Shakil **......Petitioner**
Vs
Bir Singh and others **.....Respondents**

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Aditya Jain, Advocate
for the petitioner.

Mr. A.P. Bhandari, Advocate
for respondents No.3 and 4.
****

RAJ MOHAN SINGH, J.(Oral)

[1]. This is a revision petition filed against the order dated 02.12.2015 passed by Civil Judge (Junior Division), Faridabad, whereby opportunity was granted to respondents No.3 and 4 to lead additional evidence.

[2]. Vide order dated 18.11.2015 passed by Civil Judge (Junior Division), Faridabad, the application filed by defendants No.3 and 4 under Section 151 CPC was allowed for placing on record house tax receipts and report dated 27.12.2007 subject to payment of cost of Rs.1000/- to be deposited in District Legal Services Authority, Faridabad.

[3]. The said order was unsuccessfully assailed by the petitioner by filing CR No.8072 of 2015 before the High Court. The revision petition was dismissed vide order dated

01.12.2015 by observing that only one opportunity for producing the additional evidence was granted by the trial Court. The grievance of the petitioner appears to be that vide the impugned order, the scope of additional evidence has been enlarged to cover oral testimonies of defendants No.3 and 4 to be made before the trial Court.

[4]. Evidently, while allowing the initial prayer, the trial Court has specifically ordered in the order dated 18.11.2015 that the application is allowed only qua house tax receipts and report dated 27.12.2007. The said order was affirmed by the High Court in CR No.8072 of 2015. The impugned order dated 02.12.2015 appears to be non-speaking to some extent as the same does not disclose the real import whether the earlier order dated 18.11.2015 is going to be executed or any fresh opportunity is being provided over and above the scope of order dated 18.11.2015.

[5]. In my considered opinion, the order dated 18.11.2015 passed by Civil Judge (Junior Division), Faridabad, which was affirmed by the High Court in CR No.8072 of 2015 cannot be diluted to cover any other hypothesis beyond the scope of adducing house tax receipts and report dated 27.12.2007 by means of additional evidence. To this extent, impugned order dated 02.12.2015 is clarified. The Trial court shall ensure recording of statement of the summoned witness along with

aforesaid documents in accordance with law.

[6]. This revision petition is accordingly disposed of.

September 12, 2017. **(RAJ MOHAN SINGH)**
Prince **JUDGE**

Whether speaking/reasoned Yes/No
Whether reportable Yes/No