

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.4988 of 2015 (O&M)
Date of Decision: 03.08.2017

Puran Singh and others

... Appellants

Versus

Rohtan Singh deceased through his LRs
and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sanjay Mittal, Advocate,
for the appellants.

RAJIV NARAIN RAINA, J.(Oral)

CM No.11902-C of 2015

Application under Order 22 Rule 4 CPC for bringing on record
LRs of respondent No.1 is allowed. LRs are taken on record.

RSA No.4988 of 2015 (O&M)

1. The present suit, from where the appeal arises, has been dismissed by the Courts below on grounds of res judicata in the previous litigation between the same parties and the same cause of action. Both the Courts have dismissed the suit holding that by way of the second suit lacunas and gaps left behind in the case could not be permitted to be filled up for the asking.

2. It is well settled that the discretion of the Court would not be exercised to allow production of additional evidence at the appellate stage to fill in lacunas and gaps left behind in the evidence adduced by the same parties in the previous suit and such claim to produce additional evidence

cannot be claimed as a matter of right.

3. Filing a second suit for the same purpose without relying on any probative creditworthy additional evidence other than what was led in the trial Court in the previous suit on the same issue would leave hardly any manner of doubt that the present suit was nothing but a frivolous and vexatious piece of litigation by a disgruntled party who lost in the earlier suit.

4. There is no merit in this appeal and is hereby ordered to stand dismissed with costs in the three courts.

(RAJIV NARAIN RAINA)
JUDGE

03.08.2017

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Whether speaking/reasoned *Yes*

Whether reportable *No*