

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 102-2013 (O&M)

Date of decision: 21.02.2018

Rajesh Kumar (since deceased through LRs)

.....Petitioner

versus

Fateh Singh (since deceased through LRs) and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Ramandeep Singh, Advocate for
Mr.Sandeep K. Sharma, Advocate for the petitioner
None for respondent no.1

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Learned proxy counsel for the petitioner seeks adjournment on the ground that the arguing counsel is not available today. On the last date of hearing also, adjournment was granted on the ground of personal difficulty of the counsel. Therefore, considering that revision is of the year 2013 against an interim order and pending for the last five years and the proceedings before the lower Court are being adjourned on account of the interim order passed by this Court, request for adjournment is declined.

I have considered the case of both the parties.

Impugned in the present revision is the order dated 30.11.2012 passed by learned Civil Judge (Junior Division), Gurgaon, vide which, application filed by the petitioner-plaintiff for permission to lead additional evidence was dismissed.

Perusal of the impugned order shows that the evidence of the

plaintiff was closed by order vide order dated 30.8.2010. It was claimed that on the said date, the Bar was on strike and the remaining evidence could not be produced. Trial Court noticed that no application has been filed on behalf of the plaintiff to summon the witness. Though the Bar was on strike on 30.8.2010, application for additional evidence was filed only on 22.4.2011. In fact when the evidence was closed by order, the plaintiff had a right to challenge the order by filing revision. No revision against the said order was filed and the said order has now become final.

Once, the order closing evidence of the plaintiff by order has become final, allowing of additional evidence will amount to back door entry. The trial Court has rightly declined the applicationn filed by petitioner-plaintiff. No case is made out for interference.

Present revision petition stands dismissed accordingly.

21.02.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No