

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

CR No.1002 of 2018 (O&M)

Date of decision : February 15, 2018

Sarjeet Singh @ Surat Singh and another Petitioners

Versus

Somdutt (deceased) through LRs Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. P.R. Yadav, Advocate for the petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 14.12.2017 (Annexure P-1) passed by learned Addl. Civil Judge (Sr. Divn.), Narnaul, vide which the evidence of the defendants-petitioners was closed by orders. Also impugned the order dated 06.02.2018 (Annexure P-4) passed by learned Addl. Civil Judge (Sr. Divn.), Narnaul, vide which the application filed by the defendants-petitioners for adducing additional evidence was dismissed.

Learned counsel for the petitioner has contended that the evidence of the defendants-petitioners was closed by orders. Thereafter, an application was filed to adduce additional evidence to produce the copy of pedigree table for the year 1969-70, certified copy of Naksha Abadi village Tigra, in Urdu language of Ahata No.105, Ghar No.337 Samvat 1947 BK, certified copy of Khasra Paimise Abadi village Tigra Samvat 1947 BK and translated copies thereof. It is stated that the said documents are necessary

for the just disposal of the case.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

It comes out that the case was fixed for rebuttal evidence and arguments, when the present application was filed.

A perusal of the order dated 14.12.2017 (Annexure P-1) shows that after granting as many as eight effective opportunities including three last opportunities, the evidence of the defendants-petitioners was closed by orders. At that time, the said order was not challenged. Subsequently, an application for adducing additional evidence was filed, which is in fact a back door entry and will have the effect of setting aside the order closing the evidence of the defendants-petitioners by orders. Even by way of additional evidence, some documents mentioned above are sought to be produced, which are not per se admissible and the witness is required to be summoned to prove the said documents. The prayer made in the application is only to place on file the said documents. Therefore, mere placing on file the same will not be sufficient. The copies of the documents sought to be produced have been produced in the Court today. The two site plans are merely squares drawn in dotted lines and do not make out anything. The other documents are giving dimensions.

I am of the view that the defendants-petitioners were granted eight effective opportunities including three last opportunities to conclude their evidence and their evidence was rightly closed by orders. The case was fixed for rebuttal evidence and arguments when the present application was filed. No prayer has been made to summon any witness to prove the said documents. Mere placing on file the said documents is not sufficient.

Therefore, there is no ground to allow to adduce additional evidence at argument stage. Thus, there is no ground to interfere in the impugned orders.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

February 15, 2018

sarita

Whether speaking / reasoned

Whether Reportable:

Yes

No