

CR No. 1105 of 2018
Date of Decision: 09.10.2018

Balvir Singh

.....Petitioner

Versus

Jaspreet Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBALPresent: Mr. G.L. Bajaj, Advocate
for the petitioner.**DEEPAK SIBAL, J. (ORAL)**

The present petition is directed against the order dated 18.12.2017, passed by the Civil Judge (Junior Division), Bathinda (for short, the Trial Court), dismissing the applications filed by the petitioner/defendant through which he sought to produce additional evidence.

After hearing learned counsel for the petitioner and perusing the record, the essential facts which have emerged are that in August, 2012 the respondent filed a suit seeking therein recovery of ₹4,50,000/- from the petitioner. Interest @ 24% on the principal amount was also prayed for. On being put to notice, the petitioner appeared before the Trial Court and filed his written statement after which the Trial Court framed issues on which both the parties led their evidence. When the suit was posted for final arguments, the petitioner filed four different applications seeking to place on record additional evidence in the form of record of other recovery suits pending between the respondent and other parties. Such applications were dismissed by the Trial Court by a common order occasioning the filing of the present petition.

After hearing learned counsel for the petitioner, no merit is found in the present petition.

In the respondent's recovery suit, the petitioner filed his written statement on 28.07.2014. In para 6 of the legal objections of such written statement, the petitioner had specifically submitted that since the year 2005-06, the respondent/plaintiff was doing the business of finance and had filed several suits as also complaints under Section 138 of the Negotiable Instruments Act, 1881 against various persons and in some of them he had also compromised the matter. Once such objections had been taken by the petitioner in his written statement which was filed way back in July 2014, he was at liberty to prove such assertion of facts made by him at the time when he led his evidence for which admittedly he was granted adequate opportunities and not by way of additional evidence when the matter was posted for final arguments. Such laxity on the part of the petitioner cannot be condoned or lacuna left by him be allowed to be filled up by leading of additional evidence.

Dismissed.

(DEEPAK SIBAL)
JUDGE

09.10.2018
sandeep

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