

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

**CR No.2306 of 2016 (O&M)
Date of decision : March 26, 2018**

Rajbir **Petitioner**

Versus

M/s Ishwar Chand Prem Chand **Respondent**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jagdish Manchanda, Advocate for the petitioner.

Mr. Saurav Bajaj, Advocate for the respondent.

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 01.03.2016 (Annexure P-3) passed by the learned Civil Judge (Sr. Divn.), Kurukshetra, vide which the application filed by the defendant for producing the expert by way of leading additional evidence, was dismissed.

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

It comes out that the suit is for recovery on the basis of *bahi* entries. The suit was filed in the year 2014. Both the parties led their evidence. It also comes out that on the application of the defendant, the original record is stated to have been produced on 30.05.2011. The plaintiff was thoroughly cross-examined. Thereafter, the defendant in his cross-examination admitted his signatures and writing in *bahi* entries. Now, after closing the evidence, when the case is ripened for the arguments, the present application has been filed.

I am of the view that the application appears to have been filed for causing delay. The defendant had admitted his signatures as well as writing in the *bahi* entries. If he wants to allege some alteration, it can be brought to the notice of the Court at the time of arguments. Both the parties were given due opportunity to lead their evidence. Therefore, the powers to produce the additional evidence cannot be exercised in routine. The trial Court has observed that the evidence of the defendant was closed on 30.01.2014. Thereafter, the application for amendment of written statement was moved, which was dismissed. Thereafter, an application under Order XVIII, Rule 17 CPC, 1908 was filed to recall PW2 Sukhwidner Singh for further cross-examination. The said application was allowed.

Considering the facts and circumstances of the case, I am of the view that it is not a fit case, where powers under Section 151 CPC, 1908, should be exercised to allow leading of additional evidence. There is no force in the present revision petition. As such, the same is dismissed.

Since, the main revision petition is dismissed, therefore, the pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

March 26, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No