

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.1897 of 2018

Date of Decision.21.03.2018

Sher Singh

.....Petitioner

Vs

Sewa Singh

.....Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ivneet Singh Pabla, Advocate
for the petitioner.

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AMIT RAWAL J.(ORAL)

The petitioner-defendant is aggrieved of the impugned order whereby the application for bringing on record the additional evidence i.e. examination of the witness namely Devender Singh Sandhu, Sarpanch of village Gogpur has been dismissed. The application aforementioned was moved on the premise that he was the person who met the plaintiff at his house regarding the suit seeking recovery of ₹13,86,000/- where he admitted that his younger son was married with the sister of Gurcharan Singh, Commission Agent, Pipli and in that aspect of the matter, the plaintiff filed the suit on the basis of the pronote. The alleged witness, Devender Singh Sandhu, had also recorded the statement made by the plaintiff in his mobile phone, which is necessary for the adjudication of the suit, thus, the trial Court has committed illegality and perversity in dismissing the application.

I have heard learned counsel for the petitioner-defendant and appraised the paper book. The respondent-plaintiff filed the suit seeking recovery of ₹13,86,000/- on the basis of the pronote. Both the parties have already concluded the evidence. The petitioner-defendant moved the

application only at the fag end to bring on record the aforementioned evidence, which in my view, would not be essential and necessary for the adjudication of the *lis*, for, hearsay evidence would require to be proved as per Section 65-B of the Indian Evidence Act. Even otherwise, no explanation has come forth as to why the application was not accompanied by any certificate of the service provider from where the mobile connection had been taken, for recording the statement. All these evidence, in my view, would not be helpful for the petitioner-defendant as the suit is based upon the pronote.

In view of the aforementioned fact, I do not find any reason to interfere with the impugned order as the same cannot be said to be passed without jurisdiction or beyond jurisdiction. No ground for interference is made out. The revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

March 21, 2018
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No