

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

137

CR No.2025 of 2017 (O & M)
Date of Decision:08.05.2018

Mahender Singh

...Petitioner

Versus

Shilak Ram and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Yesh Paal Malik, Advocate
for the petitioner.

Mr. Vishal Nehra, Advocate
for the respondents.

ANIL KSHETARPAL, J.(Oral)

By way of impugned order, application under Order 41 Rule 27 of the Code of Civil Procedure has been allowed and the respondent herein has been permitted to produce on file an order passed by the learned Collector, Sonapat dated 26.02.2015.

Learned Court after finding that such order was passed after the date when the learned trial Court had decided the suit, allowed the application.

Learned counsel for the petitioner has vehemently argued that by producing the aforesaid order, respondent herein is trying to fill up lacunas in the case, which cannot be permitted. He has also submitted that the application for additional evidence was filed 27.07.2016 after a period of one year and five months from date when the order was passed by the Collector. Hence, he submits that the order passed by the Court is

This Court has considered the submission. Provision for additional evidence has been provided to enable the learned First Appellate Court to allow production of additional evidence in appropriate cases. As per Order 41 Rule 27 of the Code of Civil Procedure, various eventualities have been provided under which the Court can allow the application under Order 41 Rule 27 of the Code of Civil Procedure. Out of which one eventuality provides that when the Court requires any document to be produced to enable the Court to pronounce judgment or for any other substantial cause, the additional evidence can be allowed.

In the present case, the learned trial Court found that such order would help the Court in adjudicating the dispute. It is not in dispute that the additional evidence sought to be produced was not in existence on the day the suit was decided by the learned trial Court.

In view thereof, there is no ground to interfere in the order passed by the learned Court. At this stage, learned counsel for the petitioner has submitted that the learned Court has not granted any opportunity to the petitioner to rebut the additional evidence. If the petitioner prays for such an opportunity, the Court would consider the same in accordance with law.

Hence, revision petition is dismissed.

08.05.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No