

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-2435-2018

Date of decision: 18.04.2018

Arjun Ram

..... Petitioner

Versus

Nachhatar Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. JS Hooda, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

1. Through this revision under Article 227 of the Constitution of India, challenge has been laid to the order dated 15.03.2018 (Annexure P-1) whereby the application of the petitioner-defendant seeking permission to lead additional evidence has been rejected.

2. Heard.

3. Having given considerable thoughts to the submissions made by learned counsel for the petitioner-defendant, I find the instant revision completely devoid of any merit for the reason that the evidence of petitioner-defendant was closed by Court order, when he miserably failed to lead any evidence even after availing sufficient opportunities. Resultantly, the case was fixed for rebuttal evidence, if any and final arguments. At this stage, permitting the petitioner-defendant to lead additional evidence amounts to bye-passing the legal provision. More so, a party can be permitted to lead additional evidence when it satisfies three following ingredients:-

(i) The additional evidence sought to be produced was

earlier not within its knowledge;

(ii) the same could not be led despite exercise of due diligence; and

(iii) the same is result of any subsequent event.

4. In the instant case, none of the above ingredient has been satisfied by the petitioner-defendant. The petitioner-defendant did not lead any evidence on his turn in affirmative, despite availing 12 effective opportunities, therefore, it is a case of no evidence on his behalf. Therefore, the application of the petitioner-defendant seeking permission to lead additional evidence has rightly been dismissed by the trial Court.

5. I have gone through the impugned order and find no illegality or perversity in the same. The instant revision, being completely devoid of any merit, is dismissed.

April 18, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No