

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CR-337-2018 (O&M)
Date of Decision : 14.5.2018

Gulshan Rai Bangar

..... Petitioner

Versus

Charanjit Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Parvinder Singh, Advocate
for the petitioner.

Mr.H.K.Aurora, Advocate
for the respondent No.1.

AJAY TEWARI, J. (Oral)

This petition has been filed against the order rejecting an appeal for additional evidence.

Learned counsel for the petitioner states that no doubt Order 18 Rule 17 is removed from the statute book but this is a case where the evidence sought to be led came into existence after the petitioner had closed his evidence and that is why the application was moved under Section 151 CPC. Counsel for the respondent No.1 has vehemently argued that additional evidence which is sought to be led is a demarcation report and has no bearing on the case because by this demarcation report the petitioner wants to try and project a stand which is different to the stand taken by his own predecessor-in-interest.

In my opinion, the argument of relevance and applicability would always be urged at the appropriate time. What is the determining factor to me is the fact that this evidence came into existence after the evidence of the petitioner was closed.

In the circumstances, the present petition is allowed and the petitioner is permitted to lead this evidence on record. It is clarified that this Court is not giving any finding on the relevance and applicability/credibility of the evidence which would be for the Court to decide.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

14.5.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No