

CR No.38 of 2015 (O & M)
CR No.1111 of 2015 (O & M)

-1-

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

112

CR No.38 of 2015 (O & M)
Date of Decision:03.05.2018

Chamkaur Singh and another

...Petitioners

Versus

Jagpal Singh and another

...Respondents

CR No.1111 of 2015 (O & M)
Date of Decision:03.05.2018

Jagpal Singh

...Petitioner

Versus

Chamkaur Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anil Kumar Garg, Advocate
for the petitioners in CR-38-2015 and
for the respondents in CR-1111-2015.

Mr. Sherry K. Singla, Advocate
for the petitioner in CR-1111-2015 and
for respondent No.1 in CR-38-2015.

ANIL KSHETARPAL, J.(Oral)

With the consent of learned counsel for the parties, both the revision petitions i.e. CR-38-2015 and CR-1111-2015 are being disposed of by this common order.

Plaintiffs-petitioners are aggrieved of order dated 12.12.2014 passed by the learned trial Court correcting its mistake which occurred in the order dated 09.10.2014, whereas the defendant by filing separate

that five suits were consolidated and consolidated issues were re-framed on 21.04.2014. Thereafter, evidence of the plaintiff was closed vide order dated 19.09.2014. When the case was fixed for defendant's evidence, plaintiffs filed an application seeking adjournment to examine finger print expert. Prayer in the application was only to adjourn the case. Entire applications, which is hardly in five lines reads as under:-

“That the above noted case is fixed for today i.e. 09.10.2014. That the plaintiff Chamkaur Singh & Surajan Singh in consolidated suit wants to examine finger print expert in his case. The finger print expert would come on dated 31.10.2014.

It is, therefore, respectfully prayed that the case may kindly be adjourned for dated 31.10.2014.”

Inadvertently, while adjourning the case, the learned trial Court observed that the case is adjourned for examining expert's evidence. Later on, when an application for taking photograph of the document was filed, the Court noticed the correct facts and passed the impugned order.

Once the evidence of the plaintiff was closed, the plaintiff can lead evidence only by way of additional evidence for which proper application is required to be filed by giving reasons and the Court would thereafter pass an order allowing or declining the same. In the present case, no application for additional evidence has been filed.

Keeping in view the aforesaid facts, these revision petitions are disposed of without commenting further on the impugned order passed.

However, plaintiff, if so advised, would be at liberty to move an application

CR No.38 of 2015 (O & M)
CR No.1111 of 2015 (O & M)

-3-

for additional evidence which shall be decided in accordance with law without being prejudiced by the earlier orders passed or any observation made by this Court while deciding the revision petitions.

Revision petitions are disposed of.

03.05.2018

sheetal

(ANIL KSHETARPAL)
JUDGE

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