

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

CR No.3524 of 2017
Date of decision : 26.03.2018

Meenakshi

...Petitioner

Versus

Dhanwant Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arvinder Arora, Advocate for the petitioner.

Mr. Gurdev Singh, Advocate for respondent Nos.2 to 6.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner is in the revision petition against the order passed by the learned trial Court permitting the defendants to lead additional evidence so as to prove on file the copy of the bank account of Late Smt. Bali Devi and electric and water supply connection.

The dispute in the present case is with regard to the estate of Late Smt. Bali Devi. The defendants pleaded in their application that during cross-examination of Laxmi Devi and Shammi, defendants re-collected that Late Smt. Bali Devi was maintaining a bank account and a electric and water supply connection. The Court after considering the various aspects of the case, has allowed the application.

Learned counsel for the petitioner has submitted that the order passed by the learned trial Court is non-speaking and does not give reasons, why the application is being allowed, at this stage.

On the other hand, learned counsel for the respondents-

defendants has pointed out that the learned trial Court has passed a detailed order and it is only the way of writing the order. He has pointed out that in para No.7 of the impugned order, the Court has assigned reasons to allow the application.

This Court has considered the arguments. In the present case, the learned trial Court has exercised the discretion and allowed the application for additional evidence. The documents sought to be produced by way of additional evidence are of unimpeachable credence. Such being the position, there is no ground to interfere with the order passed by the learned trial Court.

However, learned counsel for the petitioner has submitted that while allowing the application for additional evidence, the plaintiff-petitioner has not been granted opportunity to rebut the additional evidence, which is necessary.

Learned counsel for the respondents does not contest this position.

In view of the aforesaid while maintaining the order passed by the learned trial Court, it is ordered that the plaintiff-petitioner would also be granted one opportunity to rebut the additional evidence, if any.

In view of the above, the present revision petition is disposed of.

26.03.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No