

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.5495 of 2018(O&M)
Date of Decision: 10.09.2018

Sukhjit SinghPetitioner
Versus
Ujagar Singh (since deceased) through LRs and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

RAJ MOHAN SINGH, J.

[1]. Prayer in this revision petition is for setting aside the order dated 21.05.2018 passed by Additional Civil Judge (Senior Division), Kapurthala, whereby application filed by the petitioner for production of documents by way of additional evidence was rejected.

[2]. The application was moved by defendants No.1 and 2 on the ground that the plaintiffs have placed some documents on record at the stage of rebuttal and therefore, the defendants seek to bring on record certain documents viz. certified copies of agreements to sell dated 15.03.1993 and 15.10.1993, alleged agreement to sell dated 09.04.2002, certified copy of judgment

and decree dated 17.07.2006 passed by the trial Court along with copy of application under Order 1 Rule 10 CPC, order dated 05.12.2005 passed in the suit titled Sukhjit Singh Vs. Veena Warrick and others, another alleged agreement to sell dated 13.06.2002 and copies of *jamabandies* for the year 2011-12 and 2014-15.

[3]. Perusal of the record would show that the suit for declaration and permanent injunction was filed by the plaintiffs on 13.01.2006. Issues were framed on 24.02.2009. Both the parties have already concluded their substantive evidence. The case was fixed for rebuttal evidence on 16.11.2013 after the defendants tendered their documents. The case was fixed for rebuttal evidence till 19.02.2014 when the application for additional evidence was filed by the defendants for the first time. The said application was decided on 12.03.2014 and thereafter, defendants led additional evidence on 19.03.2014. After concluding the additional evidence by the defendants, the plaintiffs tendered some documents in reply to the additional evidence led by the defendants on 21.07.2014. On that very day, defendants again moved an application for leading additional evidence which was decided on 12.12.2014 on the basis of no objection tendered by the plaintiffs. Thereafter, defendants tendered the documents in additional evidence on

20.01.2015. Thereafter, the case remained fixed for rebuttal evidence and again defendants have moved the present application for additional evidence.

[4]. This time the documents sought to be adduced are numerous in number. Both the parties have led their evidence. On two occasions, the prayer for leading additional evidence at the instance of the defendants were allowed. As a consequence of such orders passed on earlier occasions, the petitioner was allowed to lead additional evidence on both occasions. The suit itself was filed on 13.01.2006 and issues were framed on 24.02.2009.

[5]. Keeping in view the stage of the suit, no repeated indulgence can be granted in favour of the defendants who have already availed two opportunities for leading additional evidence. No indulgence can be granted in the application for leading additional evidence on third occasion. No error of jurisdiction can be detected in the impugned order dated 21.05.2018 passed by Additional Civil Judge (Senior Division), Kapurthala. This revision petition is accordingly dismissed.

September 10, 2018

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**Whether reasoned/speaking
Whether reportable**

**(RAJ MOHAN SINGH)
JUDGE**

**Yes/No
Yes/No**