

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

Civil-Revision-5496-2018
Date of Decision:06.09.2018

Ram Datt

.....Petitioner

Vs.

Shila Devi

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Vikram Preet Arora, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (Oral)

The trial Court has dismissed the application of the petitioner, seeking to lead additional evidence, vide the impugned order dated 10.07.2018, on the ground that in the petition filed earlier by the petitioner before this Court, i.e. CR-1696-2017, the following direction had been given while disposing of that petition on January 12, 2018:

“Accordingly, the present revision petition is accepted and the impugned order dated 28.02.2017 is hereby set aside. One effective opportunity is granted to the petitioner to examine Jaswant Singh in his evidence. However, this would be subject to the payment of Rs.5,000/- as costs to be paid by the petitioner-defendant to the respondent-plaintiff

However, it is made clear that in case the name of Jaswant Singh is not found mentioned in the list of witnesses, he shall not be examined.”

Learned counsel could not deny that the name of Jaswant Singh was actually not mentioned in the list of witnesses and therefore, after his

evidence had been closed, he moved an application seeking to lead additional evidence in the form of producing Jaswant Singh as a witness.

Though, undoubtedly, the said witness is sought to be examined by way of leading additional evidence, whereas the order of this Court dated January 12.01.2018 was in the context of the “primary evidence”, there being a specific order to the aforesaid effect, in my opinion if the petitioner is to overcome that order, he would have to move an appropriate application in the said petition itself, i.e. CR-1696-2017.

With the aforesaid observation, this petition is dismissed.

(AMOL RATTAN SINGH)
JUDGE

September 06, 2018.
dharamvir/dinesh

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO