

IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH

Civil Revision No. 591 of 2016
Date of Decision : 16.07.2018

Sikander Singh deceased through LRs and another ... Petitioners

Versus

Paramjit Singh and others ... Respondents

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present :- Mr. G.S. Punia, Sr. Advocate with
Ms. Harveen Kaur, Advocate
for the petitioners.

Mr. Satwant Singh Rangi, Advocate
for respondent Nos. 2 to 4.

None for respondent No.1 despite service.

B.S. Walia, J (Oral)

1. Learned counsel for the petitioner contends that in the affidavit filed by way of examination-in-chief on 24.11.2015 the petitioner had mentioned complaints of two civil suits as also orders passed therein but inadvertently, the copies of the same were not attached thereto. Application for leading additional evidence to place on record the copies of the aforementioned complaints as well as orders passed thereto was dismissed by the learned trial Court vide order dated 06.01.2016 (Annexure P-1) on the ground that the said documents were very much within the knowledge of the petitioners and the same could have been tendered in the main evidence and since the case was for final arguments, therefore, permission could not be granted to fill up the lacuna.

2. Learned counsel further contends that the complaints and orders in respect thereto are merely to be placed on the record and the respondents/defendants are fully aware of the same on account of mention having been made of the same in the affidavit filed by way of examination-in-chief. Learned counsel contends that no prejudice would be caused to the other side, besides the respondents/defendants can be compensated on such terms as to costs as deemed appropriate by this Court.

3. Learned counsel for the respondents on the other hand opposed grant of opportunity on the ground that the documents were to the knowledge of the petitioner and could have been tendered with the main evidence but could not be allowed to be tendered now as the same would amount to filling up lacuna.

4. I have considered the submissions of learned counsel for the parties. Admittedly, the complaints as well as orders in respect thereto were mentioned in the affidavit filed by way of examination-in-chief and it was only due to inadvertence that the complaints and orders in respect thereto could not be attached. The respondents cannot plead ignorance of mention of the complaints/orders in the affidavit filed by way of examination-in-chief on 24.11.2015.

5. In the circumstances, I am of the considered view that one opportunity be granted to the petitioners to produce the copy of the complaints as well as orders in respect thereto subject to payment of costs of

Rs.10,000/- as a condition precedent to being allowed to produce copies of complaints and orders in respect thereto on record.

6. Needless to mention the respondents/defendants would get an opportunity to rebut the same. The impugned order is set aside and the revision petition is allowed in the aforementioned terms.

(B.S. Walia)
JUDGE

16.07.2018
Manpreet

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No