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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-570-2018 (O&M)
Date of decision : 16.2.2018

Munna Lal

..... Petitioner

Versus

Hari Ram and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Manish Mehta, Advocate for the petitioner.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 9.1.2018, passed by learned Civil Judge (Junior Division), Narnaul vide which an application filed by plaintiff for permission to lead additional evidence at rebuttal and arguments stage was dismissed.

Suffice it to say that a suit for declaration and injunction was filed by plaintiff in the year 2013. When the case was mature an application for permission to lead additional evidence was filed to produce following documents: -

- a. sale deed dated 21/6/1968 bearing registered deed No. 479 dated 1/07/1968.
- b. Registered sale deed No. 1597 dated 15/01/1970.
- c. Voter list year 1970 Narnaul Legislative Assembly Area Bhag No. 29 ward No. 6, Mohalla Sarai Dhusran Narnaul of serial No. 449 to 456 house No. 96.
- d. Copy of rent petition, copy of statement of counsel for binary Lal dated 23.10.2003, titled as Murti Shree 1008 Bhagwan Shanti Nath vs. Madhu Ram etc., by the Court of Shri A.K.Bishnoi the then rent controller, Narnaul.
- e. Mutation No. 15305 dated 15.2.2001.
- f. Mutation No. 11191 dated 27/09/2001 both for inheritance of Jhutha Ram.

It was stated that these documents could not be produced in affirmative evidence inadvertently due to lack of proper advice.

Learned trial Court took the view that the said documents, sought to be produced, could have been brought on record at any earlier occasion with the exercise of due diligence. No ground is mentioned as to why these documents were not brought on record at earlier occasion despite exercise of due diligence. Plaintiff has also failed to establish as to how these documents are essential for the proper adjudication of the dispute between the parties.

I am of the view that the provisions regarding adducing additional evidence under Order XVIII Rule 17A of the Code of Civil Procedure, 1908 have been repealed from the Code of Civil Procedure, 1908 vide Code of Civil Procedure (Amendment) Act, 1999. Therefore, it is in very rare cases that the Court while exercising the powers under Section 151 of the Code of Civil Procedure, 1908 can allow the additional evidence. When this evidence was in the knowledge of the plaintiff, it should have been adduced at proper stage.

In view of above, there is no ground to allow the plaintiff to lead additional evidence when the case is already mature.

Dismissed.

(KULDIP SINGH)
JUDGE

16.2.2018
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Whether speaking / reasoned	Yes
Whether Reportable:	No