

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

CR No.5748 of 2018

Date of Decision: 14.09.2018

Kashmir Singh

...Petitioner

Versus

Dharamveer and another

....Respondents

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

Present: Mr. J.P. Sharma, Advocate
for the petitioner.

B.S.WALIA, J (Oral).

1. Learned counsel states that the impugned order dismissing the application for permission to lead additional evidence on the ground that the petitioner had not produced the evidence which was available with him earlier besides his evidence had been closed by order of the Court is legally unsustainable since the additional evidence sought to be produced on record is essential for the effective adjudication of the dispute, no prejudice would be caused to the respondent as the documents sought to be produced could neither be procured nor fabricated, moreover, the respondent could be compensated by imposition of costs.

2. Notice of motion to respondent No.1 only.

3. Mr. Sandeep Kumar Yadav, Advocate has put in appearance on behalf of respondent No.1 and filed power of attorney. The same is taken on record. Learned counsel states that though the documents sought to be produced by way of additional evidence were already available with

the petitioner but he would not object if the same were permitted to be placed on record subject to payment of heavy costs.

4. I have heard learned counsel for the parties.

5. Admittedly the documents sought to be produced on record were already available with the petitioner. However, in view of statement of learned counsel for respondent No.1 as also that the documents are such that they cannot be fabricated nor procured and to do complete justice in the matter and to foreclose the controversy once for all, it would be appropriate to allow the application, as the same would help the Court for just and effective adjudication of the matter.

6. In view of the position as noted above, the instant revision petition is allowed. Order dated 09.08.2017 (Annexure P-4), passed by the learned Civil Judge (Junior Division), Mohindergarh, is set aside. Documents sought to be produced by way of additional evidence through application (Annexure P-1) are permitted to be placed on record, subject to payment of costs of ₹15,000/- to respondent No.1.

7. Revision petition allowed in aforementioned terms.

(B.S.WALIA)
JUDGE

14.09.2018.

rajesh.k.khurana

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No