

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

CR No.676 of 2018 (O&M)

Date of decision : February 02, 2018

Raunki Ram

..... Petitioner

Versus

Narinder Kumar and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Yowan Sharma, 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 18.01.2018 (Annexure P-7) passed by learned Civil Judge (Jr. Divn.), Panchkula, vide which application filed by the present petitioner-defendant No.2 for leading additional evidence was dismissed.

It comes out that suit for specific performance is pending since the year 2011 before the trial court. From the impugned order (Annexure P-7), it also comes out that the evidence of defendant Nos.2 to 10 was closed by order, vide order dated 26.05.2016 and the case was fixed for rebuttal evidence and arguments for the first time on 12.07.2016. The trial court has observed that since then, defendant No.2 to 10 are moving one or the other application on one or the other pretext. The evidence of defendant Nos.2 to 10 was closed after affording them 21 effective opportunities to lead evidence. Now, this application for leading additional evidence has been filed, stating that one Balbir Singh, attesting witness had revealed in his statement recorded in a criminal complaint on 15.12.2017 regarding the

fraud.

Present petitioner Raunki Ram is the complainant in the said criminal complaint and the petitioner wants to produce the copy of the judicial record.

It further comes out that for the last more than one year, the arguments are not being addressed. The case has now already become six years old.

In these circumstances, allowing the additional evidence will amount to back door entry. The present petitioner was granted 21 effective opportunities to lead evidence, which are much more than what is required under the amended CPC. Therefore, there is no ground to allow additional evidence at this stage.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

February 02, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No