

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

CR no.8730 of 2017

Date of Decision: 26.11.2018

Omwati and others

...Petitioners

Vs.

Prem Lata and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Susheel Gautam, Advocate, for the petitioners.
Mr. Yashpal Malik, Advocate, for respondents no.1 and 2.

Amol Rattan Singh, J (Oral)

By this petition, the petitioners challenge the order of the trial court dated 30.11.2017, by which the application filed by the petitioners-plaintiffs to lead additional evidence has been dismissed, on the ground that despite several opportunities granted, including 'last five opportunities', the evidence now sought to be led was not so led and therefore, the application seeking to lead additional evidence was not required to be entertained.

Learned counsel for the petitioners at the outset submits that as a matter of fact the only additional evidence that they wish to lead is in respect of certified copies issued by the revenue document, of documents that are otherwise on record of the trial court, (i.e. uncertified copies).

He further submits that no witness is to be examined by him in respect of the said documents, all witnesses having already been examined.

That being so, I see no reason to deny the petitioner an opportunity to place on record certified copies of the documents,uncertified

copies of which are already on record, only with an observation that such documents would be seen by the trial court to be not at variance with the documents already on record.

If the certified documents now sought to be placed on record found are to be at variance in any manner with the documents already on record, this order will be deemed to have not been passed.

It is clarified that no oral evidence in respect of the documents now sought to be placed on record (at the stage of arguments before the trial court) would be led by the petitioners, and since the application has been moved at the fag end of the trial, such certified documents would be placed on record on payment of Rs.5,000/- as costs to the respondent-defendant.

Disposed of accordingly.

26.11.2018
vcgarg

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : Yes