

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

CR No.3754 of 2017
Date of Decision: 19.9.2019

Gurdeep Kaur

.....Petitioner

Versus

HDFC Bank Ltd. and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Harsh Aggarwal, Advocate, for the petitioner.

Mr. Ashwani Bakshi, Advocate and
Mr. Jyoti Swarup Sehgal, Advocate,
for respondents No.1 and 2-HDFC Bank.

NIRMALJIT KAUR, J. (ORAL)

This order will dispose of six revision petitions bearing CR-3754 to 3759 of 2017, as common questions of law and facts are involved therein. However, the facts have been taken from CR-3754-2017.

The present revision is filed for setting aside the order dated 28.3.2017, vide which, the application for leading additional evidence was rejected.

While praying for setting aside the same, learned counsel for the petitioner submitted that the petitioner had earlier moved an application dated 26.8.2013 for producing the record by the defendant-bank through the witness summoned by the plaintiff and also gave the details of the account numbers qua which the complete record, like date of opening of the account, detailed statement of account from the date of opening till date etc. was required. Somehow the said application was never decided and the petitioner, therefore, moved subsequent application, which stood dismissed

plaintiff already stood closed after taking almost 44 opportunities.

Learned counsel for respondents No.1 and 2-HDFC Bank while vehemently opposing the revision petitions, submitted that the record as requested already stood produced. The evidence having been closed, the earlier application is rendered infructuous.

A perusal of the impugned order shows that the subsequent application was dismissed on the ground that the document, which the plaintiff now wants to prove on record as additional evidence, were in the knowledge of the petitioner and she moved application in this regard much later stage, when her evidence stands closed, whereas, the earlier application dated 26.8.2013 was never decided. The plaintiff even today wants to lead additional evidence only that evidence as mentioned in her application dated 26.8.2013.

After hearing learned counsel for the parties and perusing the earlier application as well as the impugned order, this Court is of the opinion that it was incumbent upon the Court to have at least decided the said application at the relevant time. No doubt, the plaintiff was also negligent in not pursuing the said application and the evidence was closed at her own asking, but at the same time this Court cannot ignore the fact that additional evidence can be led at any stage in case the petitioner is able to prove the necessity of the same and in case it goes to the root of the case and is requested for proper adjudication. Hence, taking into account that the earlier application which was filed at the very initial stage, was left pending, it cannot be said that the request for leading additional evidence is an afterthought or just to fill up the lacuna. As also, taking into account that there was no discussion as to whether the said documents were necessary,

the present petitions are disposed of with liberty to the petitioner to now move afresh application restricting her prayer for production of only very relevant documents but definitely not beyond that are mentioned in the earlier application. The needful be done within a period of one week from the date of receipt of copy of this order and thereafter, the application shall be decided in accordance with law.

(NIRMALJIT KAUR)
JUDGE

19.9.2019

sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No