

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

**CR No.5414 of 2016(O&M)
Date of Decision: 29.08.2019**

Ranveer Jindal

....Petitioner

Versus

Manjit Singh

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. P.L. Singla, Advocate
for the petitioner.

Mr. S.P. Soi, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has preferred this revision petition against the order dated 13.07.2016 passed by Additional Civil Judge (Senior Division), Phillaur, vide which the application filed by the plaintiff for leading additional evidence was dismissed.

[2]. Perusal of the record would show that on earlier occasion, an application under Section 65 of the Evidence Act was filed in order to lead secondary evidence in respect of agreement to sell. The said prayer was allowed by the trial Court.

[3]. At the stage of rebuttal evidence, the plaintiff/petitioner has again filed an application for additional evidence in order to

prove execution of documents Mark B and C. The photocopies of the same are already on record of the case. At the time of tendering the aforesaid documents i.e. Mark B and C, original documents were not available with the petitioner.

[4]. Though the said prayer could not be made on earlier occasion, but it is a settled principle of law that if something remains obscure, the same can be filled by way of additional evidence in the interest of justice.

[5]. Keeping in view the nature of suit pending between the parties, I deem it appropriate to accept this revision petition, however, subject to payment of costs of Rs.40,000/- to be paid to the respondents. Payment of costs shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

29.08.2019

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No