

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.8581 of 2016 (O&M)
Date of Order: 22.01.2019

Baljinder Singh and another

..Petitioners

Versus

Jagan Nath and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arun Bansal, Advocate,
for the petitioners.

Mr. Vivek Gupta, Advocate,
for respondents no.1, 2, 4, to 7.

Mr. P.K.S.Phulka, Advocate,
for respondent no.3.

Mr. Nipun Gupta, Advocate, for
Mr. Deepak Aggarwal, Advocate,
for respondent no.9.

ANIL KSHETARPAL, J.

This revision petition has been preferred against the order passed by the learned Civil Judge (Sr. Division), Bathinda, dismissing the application for additional evidence, filed by the defendants-petitioners.

An ex-parte decree passed on 28.04.2010 in a Civil Suit was sought to be set aside by filing application under Order 9 Rule 13 of the Code of Civil Procedure. After framing issues, the court permitted the parties to lead evidence. Oral evidence of the plaintiff was closed on 04.11.2015 and documentary evidence was closed on 17.11.2015. The evidence of both the parties was concluded and the case was fixed for consideration. After taking repeated adjournments, application for

permission to lead additional evidence was filed.

Learned court while dismissing the application has recorded cogent reasons, which are extracted as under:-

“6. By way of present application in hand, applicants/defendants Baljinder Singh and Rupinder Singh have sought to lead the additional evidence as now the applicants have intended to tender into evidence the copy of Ration card and aadhar card. The application in hand is strongly contested by the respondent by filing written reply. Perusal of file shows that applicants Baljinder Singh and Rupinder Singh have filed an application under Order 9 Rule 13 CPC for setting aside the exparte judgment and decree. They have already led their evidence and their evidence has already been closed on 04.11.2015 and 17.11.2015 both oral and documentary respectively. Today, the case is fixed for rebuttal evidence and arguments. Now at this stage, applicants cannot lead the positive evidence which he was actually to be lead at the stage of its own evidence by the applicant. More so, no cogent and convincing reason has been cited by the applicants why they could not lead the evidence regarding the documents, which were already there in their possession. So, under these circumstances, at this stage, no ground is made out to allow the application for additional evidence. Hence, the application in hand is hereby

declined.”

Miscellaneous applications, which filed to be decided expeditiously and under the garb of applications, the proceedings cannot be kept pending. In the present case, evidence of the petitioners was closed in 2015 whereas the application for additional evidence has been filed after a period of one year. It clearly shows that the petitioners are taking the proceedings casually.

Hence, there is no ground to interfere. The revision petition is dismissed.

January 22, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No