

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

**Civil Revision No.2560 of 2019 (O&M)
Date of Decision: 22.04.2019**

Kuldeep Singh

..... Petitioner

VERSUS

Asha Rampal and others

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kapil Sharma, Advocate
for the petitioner.

JAISHREE THAKUR, J.

1. This revision petition is filed under Article 227 of the Constitution of India against the order dated 02.02.2019 passed by the Civil Judge (Jr. Divn.), Chandigarh dismissing the application filed for leading additional evidence.

2. In brief the facts are that execution proceedings are pending before the Civil Judge (Jr. Divn.), Chandigarh which have been filed by the landlords-respondents seeking possession of the premises in dispute. The petitioner-objector is tenant claiming to be a tenant under Sh. Ankur Rampal, who is one of the co-owners of the demised premises under a rent agreement dated 20.11.2011. It is

contended that Ankur Rampal had appeared as a witness in another rent petition titled 'Ankur Rampal vs. Supervehicle' in which he had made a statement on 18.07.2017 admitting that he had rented out the demised premises to the petitioner. It is argued that he be permitted to produce the abovesaid documents in his evidence as the same could not have been produced by him at the relevant time as he had closed his evidence prior thereto i.e. on 13.10.2016. It is also contended that it is only certified copies of statement of Sh. M.L. Duggal dated 26.04.2017 and statement of Ankur Rampal with rent agreement dated 20.11.2011 are to be produced by way of additional evidence and that the Civil Judge (Jr. Divn.), Chandigarh has wrongly dismissed the application.

3. I have heard learned counsel for the petitioner and have also perused the case file.

4. The Civil Judge (Jr. Divn.), Chandigarh after hearing the counsel for the parties came to the considered opinion that no ground was made out to allow the application for additional evidence. It was noted that the petitioner wanted to tender certified copies of statement of Sh. M.L. Duggal dated 26.04.2017 and certified copies of statement of Sh. Ankur Rampal along with the rent agreement dated 20.11.2011, after the evidence of the Objector had been closed as well as after the evidence of the Objector-Decree-holder had been concluded and the case was fixed for arguments on the objections. It was also noted that Sh. M.L. Duggal had appeared as decree-holder's

witness and his cross-examination was ordered to be treated as Nil. The application was filed for recalling the witness which was dismissed by order dated 03.02.2018 and another application for tendering certified copies of his statement in rebuttal was again dismissed by order dated 27.08.2018. It is thereafter an application had been filed for tendering the certified copies in additional evidence. It was also noted that there was no plausible reason assigned as to why the certified copies dated 20.11.2011 had not been tendered by the objector since these documents were well within his knowledge at the time when his evidence was being led. The Civil Judge even took note of the fact that the statement of Sh. M.L. Duggal and Sh. Ankur Rampal have been recorded as far back as 26.04.2017 and the current application had been moved as late as on 28.09.2018 when the matter had been fixed for arguments.

5. Before this Court, counsel for the petitioner has vehemently argued that these are the certified copies, however, there is no cogent explanation forthcoming as to why there is an inordinate delay in seeking permission to place certified copy of the rent agreement dated 20.11.2011 on the record, which document was well within the knowledge of the petitioner by virtue of which he is in possession. This Court is of the opinion that after the application for recalling the witness Sh. M.L. Duggal was dismissed by the Court by order dated 03.02.2018 and an application for tendering certified copies of the statement in rebuttal was again dismissed by order dated

27.08.2018, the present application has been filed in an another attempt to have the said statements/ documents placed on the record. This application has been filed merely as an attempt to overcome the previous two orders, namely the order dated 03.02.2018 and 27.08.2018.

6. Finding no infirmity in the order dated 02.02.2019 passed by the Civil Judge (Jr. Divn.), Chandigarh, dismissing the application to lead additional evidence at a belated stage, this revision petition stands dismissed.

22.04.2019

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.