

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 109

Civil Revision No.3179 of 2019
Date of Decision: May 15, 2019

Amarjit Singh

..... PETITIONER(S)

VERSUS

Kultar Singh & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

. . .

PRESENT: - Mr. Shiv Kumar, Advocate, for the petitioner.

. . .

Kuldip Singh, J (Oral)

Impugned in the present revision petition is order dated 25.02.2019 passed by the Civil Judge (Junior Division), Jalandhar, vide which, an application under Order 11 Rule 1 CPC filed by defendant No.9 – petitioner for serving the interrogatory regarding compromise in the previous suit was dismissed.

The background of this case is that in the suit, plaintiff led the evidence which was closed on 06.11.2007. The evidence of defendants was closed on 08.11.2011. Thereafter, an application filed by defendant No.9 for framing additional issue regarding the said compromise was declined by the trial court. Thereafter an application was filed for additional evidence which was dismissed by the trial court on 11.05.2012. However, this Court allowed the additional evidence by defendant No.9 subject to

costs of ₹ 5,000/-. The additional evidence was regarding compromise dated 30.05.1988 which is mentioned in the interrogatory. Defendant No.9 again failed to adduce the additional evidence which was closed by order dated 28.07.2016. Now, defendant No.9 wants to serve the interrogatories regarding the compromise which is infact a backdoor entry to lead additional evidence which he has already availed. The plea that earlier the suit was not traceable is without any force since on the same basis the additional evidence was allowed by this Court. Defendant No.9 has failed to lead additional evidence regarding the said suit and compromise. It means that interrogatories cannot be allowed to be served so as to allow the additional evidence which has already been closed by order.

No ground for interference in the impugned order is made out.

Dismissed.

May 15, 2019
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(Kuldip Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No